

MINUTES

PLANNING COMMITTEE

April 15, 2015

A meeting of the Planning Committee of the County of Kaua'i, State of Hawai'i, was called to order by Mason K. Chock, Chair, at the Council Chambers, 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, on Wednesday, April 15, 2015, at 9:27 a.m., after which the following members answered the call of the roll:

Honorable Gary L. Hooser (*excused at 11:51 a.m.*)
Honorable Ross Kagawa
Honorable Arryl Kaneshiro (*recused 9:27 a.m. to 11:05 a.m.*)
Honorable KipuKai Kuali'i
Honorable Mason K. Chock
Honorable JoAnn A. Yukimura, Ex-Officio Member

Excused: Honorable Mel Rapozo, Ex-Officio Member

Minutes of the March 4, 2015 Planning Committee Meeting.

Upon motion duly made by Councilmember Hooser, seconded by Councilmember Kuali'i, and unanimously carried, the Minutes of the March 4, 2015 Planning Committee Meeting was approved.

The Committee proceeded on its agenda item, as follows:

(*Councilmember Kaneshiro was noted as recused.*)

Bill No. 2576, Draft 1	A BILL FOR AN ORDINANCE ESTABLISHING REGULATIONS, PROCEDURES, ZONING, DEVELOPMENT PLANS, AND FUTURE GROWTH AREAS FOR THE SOUTH KAUAI PLANNING DISTRICT, AND ESTABLISHING EXCEPTIONS, MODIFICATIONS, AND ADDITIONS TO CHAPTER 8 AND CHAPTER 9, KAUAI COUNTY CODE 1987, AS AMENDED (This item was Deferred to May 13, 2015.)
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Committee Chair Chock: Thank you. Just to give everyone a little bit of background, both the Planning Department and our staff here, Jenelle, have been working very hard together at getting the amendments. There are multiple amendments. We are not ready for all of them. There is work that needs to be done in order to get through all of them. We will ultimately need to defer this further. However, there is work that we can get done today and I would like to take care of, that one of which members, is the large document that was E-mailed to you regarding typographical errors (typos) and some grammatical errors that we want to look at. I think a total of maybe three hundred (300) that we want to look at, as well as one (1) additional amendment that will all be introduced by Committee Vice Chair Hooser. After that, we would like to vet a few other questions since we do have our consultant in the room. I know she has to leave before lunch. I am going to anticipate that we can get through this portion fairly quickly and move on to the other business in the

Planning Committee. With that, I would like to introduce the amendments, if possible, and then move into public testimony.

Councilmember Hooser moved for approval of Bill No. 2576, Draft 1, seconded by Councilmember Kuali'i.

Councilmember Hooser moved to amend Bill No. 2576, Draft 1 as circulated, as shown in the Floor Amendment which is attached hereto as Attachment 1, seconded by Councilmember Kuali'i.

Councilmember Hooser: Chair, do you have a preference on which amendment?

Committee Chair Chock: Let us take the big one first. I think we can probably get through that one quickly.

Councilmember Hooser: Okay. Everyone has the big one?

Councilmember Kuali'i: Yes.

Councilmember Hooser: It is not really indicated other than "the big one." Let the record reflect that the one with lots of pages is the one we are talking about. I think entirely grammatical and other things like that. I do not have any questions on it.

Committee Chair Chock: Any questions on this document, members? A lot of it is grammatical. A lot of great attention to detail in terms of the *'okina*, *kahakō*, and so forth, but many of which are insubstantial in terms of the content and the points being made in the Plan. I want to thank Jenelle for getting this done for us. If there are no other questions, what I would like to do is open up for testimony first and then we can vote on it. Would anyone like to testify on this item?

ALLISON S. ARAKAKI, Council Services Assistant I: We have three (3) registered speakers.

Committee Chair Chock: Okay.

Ms. Arakaki: The first registered speaker is Rupert Rowe, followed by Richard Vidinha.

There being no objections, the rules were suspended to take public testimony.

Committee Chair Chock: Just so you know, we have two (2) amendments. If it is specific to this amendment right now and you want to speak to it, that is fine. But then what you can do is if you want to, we can get through the typos and then we have another amendment that you can come back to speak to that which is a little broader-scope in terms of the Plan. Your liking. Whatever you want to do here. This is the South Shore Community Plan. That is correct.

Councilmember Kagawa: If I can clarify. I believe that if they speak now and you allow them to speak later, we should just approve the amendments and have them speak at one time when we are back to the main motion.

Committee Chair Chock: That would be better, actually.

Councilmember Kagawa: Because if we allow them to speak on every amendment, they will basically have eighteen (18) minutes of time to talk.

Committee Chair Chock: And each of these amendments would take a couple of weeks. Why do we not do this because I believe the interest of the people who are in the audience is to speak on the entire General Plan (GP), why do we not take a vote on amendments and move to public testimony?

The meeting was called back to order, and proceeded as follows:

Committee Chair Chock: Any further discussion on this amendment?

Councilmember Kagawa: Thank you, I want to thank the staff, Planning, and the consultant for hammering these out. It may seem minor, but in the hearts of many of our Hawaiian families, it is major. I think the community as a whole, they know that sometimes minor errors do occur and it is not to harm anyone. I am glad, Chair, I want to thank you as well, that we tried to get it as best as we can and that is our job to make sure that the final document that the Council approves is something that is as sound as possible. Thank you for working out these amendments. Sixty-three (63) pages of amendments is really a lot of effort put into it. Thank you and the staff. I will be supporting it. Thank you, Chair.

Committee Chair Chock: Thank you. I will just add that this is the first of, I feel, many to come. We want to work expeditiously at getting these amendments together. I anticipate that we would have all of them ready by the next meeting. Any other discussion, members?

The motion to amend Bill No. 2576, Draft 1 as circulated, as shown in the Floor Amendment which is attached hereto as Attachment 1, was then put and carried by a vote of 4:0:0:1 (*Councilmember Kaneshiro was recused*).

Committee Chair Chock: Motion passes.

Councilmember Hooser moved to amend Bill No. 2576, Draft 1 as circulated, as shown in the Floor Amendment which is attached hereto as Attachment 2, seconded by Councilmember Kagawa.

Councilmember Hooser: Thank you very much. We are going to put this one on the board, if I may, Chair?

Committee Chair Chock: Please.

Councilmember Hooser: To explain the amendment.

Committee Chair Chock: Thank you.

Councilmember Hooser: This is a response to the community concerns about intensive agriculture and it is not intended to focus on just the dairy or just the other operations that have been somewhat controversial in our County, but it is merely to recognize this is a fact of life and say as we move forward in the General Plan process, the General Plan should recognize this and reach out into the community, look at best practices, and recommend ways that we might deal with these issues better in future. Maybe we need to dim the lights a bit. I do not know if we can really read that. Can people in the audience read that? Essentially, this

amends page 4-38 and takes some existing language and says...I will just read it. "During the public meetings and public review process, concerns were raised by community members about large-scale," intensive is being inserted, "agriculture operations" will be inserted, "and the need for additional regulation at the County level." Then this is being inserted, "especially regarding operations adjacent to existing urban and residential areas, as well as in areas considered culturally and historically significant and in areas near particularly sensitive natural environments." So that sentence has been inserted. Well, that is the proposal. The existing language says, "While such operations are permitted under existing County Agricultural zoning, there are federal and state regulations in place to oversee the day-to-day operations of such businesses." Then the proposal is to insert this next sentence. "The General Plan Update (commencing 2015) should examine agricultural policies, ordinances, and best practices to manage these concerns and should recommend an island-wide approach to mitigate these potential conflicts." Then it is proposed to delete the next sentence, which says, "The State Department of Agriculture currently regulates agricultural operations under authority of HRS Title 11 and through HAR Title 4 and the regulation of individual agricultural businesses whether large or small is best managed and assessed under their oversight and through appropriate state and federal permit processes." So, that is proposed to be deleted and the others inserted. I believe those are the only changes. Those are my comments on it.

Committee Chair Chock: Thank you. Any questions of this amendment, members? Councilmember Kagawa.

Councilmember Kagawa: Just a process question for you, Chair. It is not the norm to have an even number of Committee members. If we end up on a 2:2 tie on any amendment, what happens?

Committee Chair Chock: Good question. Nothing. It does not move forward. My understanding is that it does not move forward.

Councilmember Kagawa: But the amendment is not dead. The amendment could be brought up at the Council Meeting, right?

Committee Chair Chock: That is correct.

Councilmember Kagawa: Yes.

Councilmember Hooser: Just to clarify, if the plan as a whole winds up in a 2:2 vote, it also does not move forward?

Committee Chair Chock: Right.

Councilmember Hooser: That is correct?

Committee Chair Chock: I do have a question. I know the request was to vet this with the Planning Department as well. My understanding is that has been done?

Councilmember Hooser: Yes. I did meet with the Planning Director who is here. I went over these changes with him and I believe that he is acceptable to those changes.

Committee Chair Chock: Please come up.

Councilmember Hooser: If any members have concerns about them...

There being no objections, the rules were suspended.

Councilmember Hooser: If members have concerns about them, I encourage you to voice those concerns and we can address them here.

Committee Chair Chock: Okay. Thank you. Good morning.

MICHAEL A. DAHILIG, Planning Director: Mike Dahilig, for the record. I can confirm Councilmember Hooser's statement that we did meet offline on this and our Department did provide input based off of a draft amendment that was initially circulated to us. We did provide input to provide our language, well as to incorporate with Councilmember Hooser's language. At the last meeting, I did convey that part of the concern was we wanted to normalize, if this amendment was going to be brought forward, that a parallel amendment with the Līhu'e Plan also be normalized at least for language and substance. So that was the exercise we went through with Councilmember Hooser.

Committee Chair Chock: Thank you. Councilmember Kagawa.

Councilmember Kagawa: Mike, in your opinion, would the South Kaua'i Citizen's Advisory Committee (CAC) approve of this amendment?

Mr. Dahilig: I think when you look at it, what it states as a matter of fact is that there was public input both at the Commission level as well as the Council level reflecting these concerns. As we have said in a number of occasions, part of what the Plan is, is a diary or the normalization of issues brought forward at the time. We looked at the first-half of that paragraph as reflecting what essentially that public concern is. We have no concerns about that being included as language in the document. Then on the second part, we did discuss again this issue of normalization between the Līhu'e Plan and the South Kaua'i Plan. So what we felt is that the issues brought up on the South Kaua'i end really begged a discussion on an islandwide basis versus something that is just regional and singular. It needs to be discussed on an islandwide basis. The second paragraph gives direction once the plan is passed to the CAC for the General Plan to say, "This is one of the regional priorities. It is also adopted in the Līhu'e Plan, it will also be reflected a regional priority from Līhu'e," and then to have these discussions on an islandwide basis, which is what the commencing 2015 language does say. That as our input, Councilmember Kagawa. Now with respect to the question regarding whether the CAC will be or okay or not okay with the amendment. All I can say, and I cannot speak on their behalf other than to say that the language being eliminated was the language that both the Commission and CAC did agree to. But like anything, as we have said a number of times, at the end of the day, the policy call rests with this body for adoption. That is the proposal on the table. So, I can only attest to the fact that language was included both from a Commission standpoint and the CAC standpoint, and that is all.

Councilmember Kagawa: I think I am kind of hearing that it is not a major amendment that would, I guess, restrict the intent of the Plan, that it has further steps to take. Basically, it is not critical and it does not restrict any particular type of agriculture. It just, I guess, adds some language to...

Mr. Dahilig: I think it does not predispose an intensive agriculture policy from a regional basis. What it does is, it raises the concerns and almost from a gap-analysis standpoint says, "This needs to be looked at on an islandwide basis." The best vessel for that, as we have had discussions with Councilmember Hooser on, is the current General Plan process and the CAC process to then get that islandwide flavor as to what should be the islandwide policy as it concerns these items. It does not predispose a policy other than again, that memorialization that there were concerns brought up through this particular process.

Councilmember Kagawa: I am reading this. "The General Plan update should examine and adopt what best practices to manage these concerns." So, it is almost forcing the General Plan to do something even if they are not sure about certain areas. I mean, that seems...

Mr. Dahilig: I think the language...

Councilmember Kagawa: Wait. If I can clarify.

Mr. Dahilig: Sure.

Councilmember Kagawa: I do not want the General Plan to be held up because they cannot address what this amendment is saying because I am not sure that the General Plan will have consensus on one (1) general policy that is good for all areas. That is my concern, you know, with this amendment, I think, at this point.

Mr. Dahilig: I think what it does is it tees up an issue. Like anything, the General Plan process is meant to be a big-tent process where everybody's views and everybody's perspectives and issues are brought to the table, and vetted out. It tees up a wrestling of the discussion. It does not predispose a policy again. It pretty much highlights the fact that this is an issue, we have to discuss the issue, and should look at whether or not there needs to be changes in particular to our land use policies to address the issue in case that is a valid concern based off of the CAC discussion. It does not, I would say, create narrow parameters for the CAC, rather it says, "Look, CAC, take a look at this. This is what came up during the process. We think it needs to be discussed," and it gives that direction to the CAC should they want to take it up.

Councilmember Kagawa: Thank you.

Mr. Dahilig: Okay.

Committee Chair Chock: Thank you.

Councilmember Kagawa: Thank you, Chair.

Committee Chair Chock: Just a follow-up. In terms of the General Plan process. I do not want to get too far down that road, but my understanding is that the General Plan is meant to address...I mean we have kind of taken it out of regional plans. So, some of these infrastructure questions, I think, need to be answered somewhere for our island and this is the most appropriate place to have it addressed. Is that correct?

Mr. Dahilig: I would agree. At the end of the day, we have these jurisdictional lines that separate our island into certain areas. But as we all

know, the policies that are passed at this body transcend those lines. In an attempt to try to normalize the land use policy islandwide versus trying to take certain issues like this that have an islandwide effect versus trying to pigeon hole a solution to it. In discussions with with Councilmember Hooser, what seems to be the most appropriate thing is to look at this on an islandwide basis because we cannot have just a South Kaua'i-only policy and then a Līhu'e-only police because you could have agricultural land that straddles both those lines based on where those jurisdictional lines are. The same thing with infrastructure, as you mentioned, Committee Chair. The roads go across these lines and what happens in one (1) district affects traffic in another district. I know that was of particular concern discussing the CIP items last week. We are cognizant of that and some things are just more relevant for that discussion at the General Plan-level versus the regional-level.

Committee Chair Chock: Thank you. Any other questions? I will go to Councilmember Yukimura. Oh, you are on the Committee. Go ahead.

Councilmember Kualī'i: Yes. Mike, I think I am not really clear on how you answered Vice Chair Kagawa's question. So, I am going to ask it in a different way and I only need you to say "yes" or "no."

Mr. Dahilig: Okay.

Councilmember Kualī'i: In your opinion, does this amendment in any way, in any word or any sentence, compromise the integrity or intent of the Plan put together previously by the community and the Planning Department, and approved by the Planning Commission?

Mr. Dahilig: I am limited to "yes" or "no?"

Councilmember Kualī'i: You can explain your "yes" or your "no" sure.

Mr. Dahilig: I would say I will reserve...

Councilmember Kualī'i: But do not say "maybe."

Mr. Dahilig: No. I would say a reserved no. I say that because the record does show the last paragraph that was taken out was essentially confirmed by the Commission and the CAC. But I want to respect the fact that it is their opinion. It is not to say that is not the appropriate policy call around the table. I would say no with an asterisk. I know I am trying to wrestle that, but I just have to state for the record that the last paragraph, just by process, was confirmed.

Councilmember Kualī'i: I am not trying to say that they have the end all say because we are one more body that pretty much then has the final say. But the other question then is do you think...they never mentioned community members, but that was a given, I thought. Do you think that is the same thing as all stakeholders? How do you see it in the Plan? Everybody was open to participate.

Mr. Dahilig: Yes, everyone is open to participate, but the process does include the Council. I think we have been very agreeable to that perspective. Given that and given the testimony that has been raised both at the Commission as well as the Council, like anything, once the rubber hits the road, you are going to start seeing people really truly voice their opinions. Just like you are seeing with the TMT situation. I think in this case, as we got through the approval

processes which is part of this community plan process, community members did come out, testified through Planning too, and raised their concerns. So, I think it transcends just stakeholders. I think it also includes those people that sit at this desk through the approval process and embrace their opinions.

Councilmember Kualii: The last question has to do with this "...should examine agricultural policies about the General Plan." Is this South Kaua'i Plan and any of the regional plans, if you will, is it part of those plans to make recommendations of what should be included in the General Plan or is that happening by the community anyway or will they all be compiled as part of the General Plan?

Mr. Dahilig: The answer to that is kind of a "Who is on First?" question and part of it is an issue of timing. The regional plans came first before the General Plan. The General Plan is going to prescribe future community plans in terms of the plans they work in. It is an organic process that I do not think is right or wrong to say what should come first. In this particular circumstance, because we have two (2) regional plans leading into the General Plan, they feed into the input that is going to be evaluated by the CAC. Then when we come back to the Council for more amendments to the community plans, let us say for 'Ele'ele-Hanapēpē or Waimea, then the CAC, once they agree upon it, will feed into the policy objectives of those plans. So, it is an organic process.

Councilmember Kualii: It does not matter if it is here or it is not here because, in fact, during the General Plan process, we, the County, with Planning's lead will examine everything that the community brings up as part of the plan?

Mr. Dahilig: Everything that the community brings to the table we want to discuss. If the Council would like to hear some of our efforts on the General Plan process in terms of our rollout, we can certainly do a presentation at another juncture.

Committee Chair Chock: Let us do that.

Mr. Dahilig: But we are keeping that in mind, Councilmember, that we are focusing on it from a big-tent standpoint and that everything that is relevant is on the table and everybody that has a voice should have a valid voice to bring an issue to the table.

Councilmember Kualii: Thank you very much.

Committee Chair Chock: Councilmember Yukimura.

Councilmember Yukimura: First a follow-up. The proposed addition and proposed deletion does not necessarily contradict the proposed deletion. To me, it just makes a distinction between agricultural policies and ordinances, which is a policy matter of the Council versus the regulation of individual agricultural businesses which is the purview of the Department of Agriculture and the Department of Health. I think all this amendment is doing is focusing on the policy level setting that is appropriate to the Council and the County.

Mr. Dahilig: I think that is a valid way to read it.

Councilmember Yukimura: Okay. I do not see any contradiction or negation of the CAC's work and some of this may not even be the CAC. It may be

mainly staff, but I think this is a way to reconcile the two (2) by focusing on what is policy that is relevant to our work, right?

Mr. Dahilig: I could say we could agree with that statement.

Councilmember Yukimura: Okay. Thank you. Then on another policy scale, I have talked to your staff about my concerns for the need for regulation of Important Agricultural Lands (IAL) and that we need to also highlight that issue of things to be done. I just want to acknowledge that in this section on agriculture in the larger section of policies, which Section 4 is your policies and guidelines section, we have some unfinished agenda to talk about it later on in this process. I do not think it is ready for discussion right now. But it is also one of the issues of follow-up work in order to achieve the 4.7.1 "preserve agricultural lands for agricultural use" policy.

Mr. Dahilig: Okay.

Councilmember Yukimura: Okay. Thanks.

Committee Chair Chock: Any other questions of our Director on this item or on this amendment? Thank you, Mike, I appreciate it.

Mr. Dahilig: Sure thing.

There being no objections, the meeting was called back to order, and proceeded as follows:

Committee Chair Chock: Discussion on this amendment?
Councilmember Kagawa.

Councilmember Kagawa: Thank you. For me, I do not see any potential problems with this amendment, but my gut tells me that there will be because it specifically says that the General Plan update should examine it and that can be taken as deep as you want to go. I think if we do not approve this amendment, the General Plan still can do whatever this is saying to do. Then they should do it. But putting in language in the South Kaua'i Community Plan to tackle this specific issue, to me, is not the purpose of what the community wants. They wanted to leave it open and vague. Down the line, I do not know what is going happen with big agriculture on Kaua'i, but I do know that California is having many problems with the drought and what have you. If there is an opportunity at some point for Kaua'i to go big in some of the *pukas* that may occur within California with the lack of water and we have chances to do it here, I do not want our General Plan to prevent some new business like large agricultural corporations that do not do experimental seed, that just raise grapes or what have you...A lot of it is well, we have got to be really careful where or what kind of agriculture we do next to residential areas. Heck, a lot of residential areas were agriculture in the first place. They were rezoned. We have infrastructure right there that can accommodate large agricultural operations that were there before residential or commercial or before hotels were built. I say let us hold off on these types of amendments that will force the General Plan to really focus in one direction. The unforeseen consequences is what I am worried about. That is why I will not be supporting this amendment. I want to leave the focus of where it was, where it did not focus on particularly large scale or small scale or what have you. I think the General Plan still can address it when you have your General Plan

update coming forth. You can go as deep as you want into that issue and I leave it open to you and whoever works on the General Plan. But for today, I will not be supporting this amendment. I know on the outset, if you just look at it, it does not seem to show those kinds of problems, but there are always unforeseen circumstances. We are looking forward. We do not know what is going to happen. We do not know what kind of opportunities are coming forward. Like I said, California is having many issues. They are restricting water with their residents and trying to get agriculture to survive. I will tell you, I think Hawai'i and Kaua'i will have some opportunities potentially in the future, and that is what a future plan like this is about. It is about keeping open areas that can accommodate these new types of agriculture that may come up. That is all I have, Chair. Thank you.

Committee Chair Chock: Thank you. Any further discussion on this item?

Councilmember Kualii: I guess I have some questions for the proposer.

Committee Chair Chock: Sure.

Councilmember Kualii: It started with public meetings and your amendment includes "and public review process." What does "and public review process" add that is not included in public meetings?

Councilmember Hooser: I believe that just broadens the scope of review. I am okay with just doing "during the public meetings." But I think it is very clear. If we cut to the chase, this is acknowledging a problem in the paper almost every day and that is in everybody's conversation around the water cooler, that this is an issue that we have to deal with. So, whether it is at public meetings or the public review process, or public hearings, the issue has come up, and that is all. We could fiddle with the language, I am open to that.

Councilmember Kualii: For me, in looking at this and hearing from the Planning Director just having reservations gives me reservations. I want to know clearly which of these changes are a matter of semantics and style, and which is substantive. If this change of "and public review process" is a matter of semantics and style, then it is not even necessary, correct?

Councilmember Hooser: I guess as framed as you did, yes.

Councilmember Kualii: The other thing about where they say, "concerns were raised about large-scale agriculture" and the amendment adds "by community members." If that does not mean everyone and anyone, why is it necessary? What do you mean by that other than the obvious, which was already included in the original?

Councilmember Hooser: Right. This language came about between a proposed amendment that I had written out and an attempt to merge it with the existing language. This is the product. If you want to suggest deleting some of those words and simplifying it...

Councilmember Kualii: I am just trying to understand. So, that is not necessary to add "by community members" because it is understood?

Councilmember Hooser: Yes, I suppose, yes.

Councilmember Kualii: Okay. So, in both cases. I think those are the easy ones to get through.

Councilmember Hooser: Right.

Councilmember Kualii: It is semantics and style, and it is not necessary. Maybe the third one is about large scale agriculture. You choose to add in your amendment about "large scale intensive" and "operations" after the word "agriculture." So, that change is to add or how is that supposed to change what it already is? What is the intent?

Councilmember Hooser: That is supposed to indicate that we are not just talking about big lettuce farms. We are talking about intensive agriculture that has more impacts on the community. Operations, it is not just again growing lettuce. It may be packaging lettuce. You could have a poultry farm with a lot of chickens and then you could have a very intensive poultry operation that has thousands of chickens, slaughterhouses, noise, and all of that. It is meant to show this is about large scale operations of agricultural.

Councilmember Kualii: So, intensive and operations, those two (2) words by the amendment, is to talk about more impacts?

Councilmember Hooser: I believe are necessary. Yes.

Councilmember Kualii: Okay.

Committee Chair Chock: Do you have any more questions?

Councilmember Kualii: Yes. It was just that I like getting through those. So, I am halfway there and then there is the last part that seems substantive. To totally remove the last sentence of the paragraph, which seems pretty significant. It refers to the State and Hawai'i Revised Statutes (HRS), and to take that out completely when the community, with the leadership of the Planning Director and their facilitation and then with the approval of the Planning Commission, I could support probably a deferral today to research it further with the Planning Commission and with the CAC members, but today, because of that substantive change, I will not be able to support it.

Committee Chair Chock: Just a question. If we address in this amendment, the public aspect that you questioned and submit it and reinstate the deleted reference to HRS, would you be supportive?

Councilmember Kualii: The last two (2) pieces, the addition of "the General Plan update should examine" versus the "The State Department of Agriculture," if those two (2) things were not changed...If we did not add the General Plan language and if we did not take out of State Department of Agriculture language...If that was not included, then I could support it today.

Committee Chair Chock: Okay. Thank you.

Councilmember Hooser: Chair.

Committee Chair Chock: Anything further? Go ahead, Councilmember Hooser.

Councilmember Hooser: I do not really understand, though I respect the positions of my colleague or colleagues who are hesitant to support this, I do not really understand the rationale. Again, all this amendment does is recognize there is a problem and says that the General Plan should address the problem. That is what it says. The last paragraph, if we leave that last sentence in, that is contradictory to the official legal County position that we are now in court over. We are in court and we are paying lawyers lots of money to defend the rights of the County to regulate agriculture. That sentence says that agriculture is best managed by the State and Federal government. That sentence significantly weakens our legal position that we are in court for and we are legally bound to defend that position. We said as a body, as a Council, and as a County, that is our position. We are in court right now defending that position. To support this language is contrary to our legal obligation to enforce and support the law, in my opinion. I am willing to be silent on it. My preference would be to say that the County is responsible for agriculture, but I am willing to be silent on that and let the courts decide that at the end of the day. But to state it is the State and Federal government's responsibility and not ours, again is contrary to our official legal position that we are in court on and we have spent a lot of money to do this. For this Council to provide evidence that would help defeat our public position, I believe, is probably a violation of our Oath of Office. I would support a deferral on this, but I see much ado about nothing. This is a practical amendment to recognize the issue that we are all talking about and giving it to the appropriate body to deal with. It does not force anyone to do anything. It says "should." The General Plan should examine it, and they should. All this does is articulate the position. That is all I have to say.

Committee Chair Chock: Thank you. I will support the deferral if that is what the introducer wants to do. That is fine with me. I just want to take some time to talk about where I am with this. We have a ton of amendments coming our way. I am going to tell you that they talk about this kind of stuff and they are going to be policy calls on what should be inserted into this Plan about whether or not we should be looking at broader issues and other areas for us to continue to look forward to in the future. The one thing that I have learned in this process, as I have read the Plan, because I believe the plans are excellent and that we have done some real good work with the community. What I feel might be missing when I read things, is for us to look at how it is we are addressing some of these key issues in a large scale manner from a broad perspective. I do not believe that this particular amendment moves us in any direction, but only informs us and this guideline of the issues. If we continue to kick the can down the road on some of these issues, this agriculture issue just being one of them, we are going to be in the same place we are now, twenty (20) years or thirty (30) years from now. I am talking about things, like water. At one time we had the plantation that took care of our water issues. We allowed that to occur. But in the recent years since the plantations are gone, we are looking towards other agricultural companies to take care of it, small agricultural entities to take care of it, and developers to take care of it and it happens by piecemeal. I do not think as community stewards, we can continue to do that. We have to look at this from a broad scale and not wait until developers take one piece and fix it. But then it all compiles and it all adds up. I know people are here to talk about drainage issues. I know they are here to talk about wastewater issues. It is not the individual developer's responsibility. The only way to get to a plan that works for everybody is if we take these issues and apply it to the bigger question of how we manage one *ahupua'a* and one *moku*? That is why I am going to support this. I will just tell you upfront that I

will be supporting these kinds of amendments because I think the question on a broader issue, and it does not have to be addressed here in the Plan. If the General Plan is where it should be addressed, that is fine. But we cannot just continue to push it to the side because we do not want to talk about it, alright? That being said, I just want to remind members, we are going to have so many amendments coming up that are going to be focused on this kind of stuff and we are going to have to be clear. I do not want to spend all of our time on the philosophical discussion about how we want to address these issues. If the votes are not there, let us just vote them up or down because I kind of hear where people are going with this. Councilmember Yukimura.

Councilmember Yukimura: I just want to reinforce or support your thoughts about what the function of these community plans and these General Plans are. They are to set policy. They are to give guidance. If we just have these general statements "protect agriculture," it gives no guidance at all. We have to actually get policies that give us some sense of where we need to go in order to protect agriculture and sometimes the policy statement will be very clear because we have arrived at what we want to say or it will be an issue identification that this is a major issue that has to be addressed somewhere down the line. This may not be the appropriate place to work out all of the details or the nuts and bolts, but this has to be addressed, as our Committee Chair is saying. So, we need to understand this around the table. That is our job, to set policy and give direction. It is with all of the input from the CAC, the Planning Commission, staff, and the consultant. But this body makes the final decisions and we just do not rubber stamp things that come to us, otherwise, why should it even come here? Just stop it at the Planning Commission. I think we need to understand what our role and job is here in order to move forward.

Committee Chair Chock: Maybe I should not have said anything. Okay, we are going to go around because we had hands up. I think it was Councilmember Hooser, Councilmember Kualii, and then Councilmember Kagawa.

Councilmember Hooser: I just want to acknowledge what Councilmember Yukimura just said, that the approval process envisions community groups, hearings, the Planning Commission, the Planning Department, and the County Council. We are not just here to approve what somebody else did. We are here as part of the overall process. If the threshold for approving an amendment are only amendments that do not change what the CAC or the Planning Commission did, we might as well as stop with the typo and grammatical errors and do not do any amendments at all, if that is the threshold for approving amendments. I would suspect even some of the grammatical errors, they were all approved by the CAC and by the Planning Commission. If that is the threshold, it should not be. We are part of the process. We are not a rubber stamp. We do set the policy. We are having public hearings. It is a continuing process. I agree with the Chair in terms of looking at these to make this Plan the best it can be, not to kick the can down the road, and not to act like we do not see problems in our community with our head in the sand. We should deal with them appropriately. Thank you.

Committee Chair Chock: Councilmember Kualii, followed by Councilmember Kagawa.

Councilmember Kualii: Chair, when you were initially making your comments about key issues, large scale, and broad perspectives, I thought you were going to go to one place and you went to another. With Councilmember Yukimura's comments, I have to say that I believe, and I think more like Vice Chair Kagawa, that

this is the community's plan and we should support what the community has brought to us unless we think it is so critical that they did something wrong and we need to correct it or that they have forgotten something that is critical and we need to add it. I do not see that with this amendment. In fact, if we are going to have a lot of these kinds of amendments, we should not be wasting our time, I do not feel. I have actually changed my mind about supporting the deferral today and I am in opposition.

Committee Chair Chock: Just a follow-up. I agree. I think that this is the community's plan and that is why my request was that we do not take out, we look at just enhancing as much as possible. Councilmember Kagawa.

Councilmember Kagawa: Yes. I take offense to the rubber-stamp issue. In my mind, the deletion is a violation because I believe the State Department of Agriculture does regulate agricultural operations under the authority of HRS Title 11, through Hawai'i Administrative Rules (HAR) Title 4, the regulation of individual agricultural business whether large or small, and is best managed and assessed under their oversight. That is why we are in court over Bill No. 2491. If we did not want to be in court, let us pass a good bill. That is a solution. Vet it. To say we do not know our jobs, our report card every year, election time, I am happy with my report card. Let us let the people decide whether we are doing our job or not doing our job. Let us not judge each other because I think we all see things in a different lens. Thank you, Chair.

Committee Chair Chock: Thank you. Just for the record, I was more supportive of putting the verbiage back in that was deleted. But if there are not the votes here, it will be a split. Let us move forward already. I think we have some questions that we need to get answered by our consultant. I want to go around also and find out how many amendments we might expect moving forward. Councilmember Yukimura, if you can answer that moving in the next discussion.

The motion to amend Bill No. 2576, Draft 1 as circulated, as shown in the Floor Amendment which is attached hereto as Attachment 2, was then put and failed by a vote of 2:2:0:1 (*Councilmember Kagawa and Councilmember Kualii voting no; Councilmember Kaneshiro was recused*).

Committee Chair Chock: It is a split vote. Motion does not pass. Do we have any other amendments today? Councilmember Yukimura.

Councilmember Yukimura: I have worked on an amendment on affordable housing, but I would prefer to use our consultant's time right now to discuss some of the major issues that might enable us to either propose amendments in the next meeting because I know our plan is to defer and use it to get closer to a consensus, if will you, rather than hammer out the nitty gritty and long debates that seem to go nowhere.

Committee Chair Chock: Thank you. Can I ask, Clerk, how many registered testifiers do we have?

Ms. Arakaki: Eleven (11).

Committee Chair Chock: Okay. Then the other question I have is what, what time is the flight for our consultant? Kimi, what time do you have to leave? You can make sign language or something.

There being no objections, the rules were suspended.

Mr. Dahilig: Mike Dahilig, for the record again. I think our consultant is anticipating that we would go up to the lunch hour.

Committee Chair Chock: Okay.

Mr. Dahilig: Her flight is scheduled to anticipate that she would leave after lunch.

Committee Chair Chock: Okay.

Mr. Dahilig: She needs to head to the mainland for the APA Conference.

Committee Chair Chock: Councilmember Yukimura, how many questions do you have to vet with the consultant?

Councilmember Yukimura: Well, it depends on how long each question takes.

Councilmember Yukimura: How many questions though?

Councilmember Yukimura: About five (5) or six (6).

Committee Chair Chock: Okay. Because we have her on the clock and we have to get her to a flight, I would move towards trying to get some of these questions taken care upfront. I think it will inform all of us how we move forward and then we will take our public testimony. Councilmember Kagawa.

Councilmember Kagawa: I agree with your direction. If she has to leave by lunch, let us use the time.

Committee Chair Chock: Any other ideas here? If not, we will suspend the rules for our consultant. Marie, do you want to come up as well? I will hand the floor over to Councilmember Yukimura. Anyone else have questions for our consultant today? Okay. Welcome.

KIMI YUEN, Lead Consultant, PBR Hawai'i: Thank you for having me here again, Committee Chair Chock and Councilmembers.

Councilmember Yukimura: State your name.

Ms. Yuen: For the record, Kimi Yuen, PBR Hawai'i.

Councilmember Yukimura: Thank you for being here Kimi, Marie, and Mike. There were two (2) questions that have come up before, but I realized last night as I was looking over all of the questions, that I do not think we put them in writing. I am just going to state them for the record and then send them to you if you do not already have a quick answer. The first one was does the Lima Ola development proposed for 'Ele'ele included among the assumptions underlying the transportation consultant's Fehr & Peers analysis and recommendations regarding the Kaumuali'i and Papalina intersection which is currently operating at, I think, level of service D?

That was a question asked earlier, but I know we did not send it in writing. Do you want to answer it quickly or just answer in writing later?

MARIE WILLIAMS, Long-Range Planner: I can answer it quickly.

Councilmember Yukimura: Okay.

Ms. Williams: The answer is no.

Councilmember Yukimura: Okay.

Ms. Williams: It was not.

Councilmember Yukimura: The recommendations did not take into account there may be at least one hundred (100) cars passing through there at peak hours?

Ms. Williams: Well, you have to consider that the model was developed in 2011. It was a Statewide format to be consistent across the various counties. Again, I mentioned this last time we met, but it was developed for the Kaua'i Long-Range Land Transportation Plan, now the Federal Aid Highways Plan. What it does, if you are familiar with the process, it looks at traffic analysis zones that are basically census blocks or sometimes they combine census blocks and they attribute certain growth factors to each Traffic Analysis Zones (TAZ). We did go back and check the TAZ information for Lima Ola and there was no growth allocated there. However, if you take the regional trip growth for the west side and the Hanapēpē-ʻEleʻele area, there was of course growth attributed to that district as a whole. It is kind of difficult to say because when you develop a model, you do not necessarily hinge it on very specific projects. It is generalized to some degree. But in the information that was fed into the model, no, Lima Ola was not considered or was not fed into the model.

Councilmember Yukimura: I think in lay people's terms, people want to know whether the traffic generated from the proposed growth at Lima Ola, which is looking like basically a commuter community because the jobs are not there, will be aggravating traffic at the Papalina-Kaumuali'i intersection to a level that will make the intersection non-functional for traffic, that means long lines. Yes?

Ms. Yuen: Just to clarify the model that was used too. It does not look at specific intersections.

Councilmember Yukimura: I want to know the model's applicability to the question first of all. Does it answer the question I am asking?

Ms. Yuen: Of a specific project, no. You are saying the traffic impacts of Lima Ola itself?

Councilmember Yukimura: Yes.

Ms. Yuen: Okay. No, and I do not know if Lima Ola itself had a traffic study done for it.

Councilmember Yukimura: Yes, it did. But it does not address the regional impacts. It just says, "You need to put a turn lane here and you need to do that."

Ms. Yuen: Right.

Councilmember Yukimura: That is the problem with case-by-case traffic planning that you do not actually look at the total impact. That is what is happening with Wailua-Kapa'a. We do all of these traffic studies for each proposed development and we do not look at what the cumulative impact is.

Ms. Yuen: Right.

Councilmember Yukimura: And regional transportation planning has to look at the cumulative impacts.

Ms. Yuen: Yes. I think the way our plan tries to address that is to look at the mode shift, right? I mean, Lima Ola becomes just another part of that through-traffic that is impacting the regional roadways that seventy percent (70%) of the traffic is going through the district, but it does not actually go to the district. So, maybe it is even more now that there is Lima Ola. But that only re-emphasizes the need to improve the transit system from west side through the district. So, that would be one (1) solution to try to address those issues.

Councilmember Yukimura: The Multi-Modal Land Transportation Plan says you cannot solve all of the traffic problems just by multi-modal transportation planning. You have to do it also by land use, which is why you locate housing close to jobs. If we were to locate that Lima Ola housing in Po'ipū or in Līhu'e, would that mitigate traffic through Kalāheo?

Mr. Dahilig: That is kind of what the previous discussion was about. There were some issues that generally transcend these jurisdictional lines. As you are aware, Lima Ola is actually outside of the jurisdictional area this Plan was reviewing. It is not to say that that project, if built, is going to affect traffic through this region. I think as part of looking at from the islandwide basis, is having to normalize through the General Plan process, some of these kind of rubs that are just created consequentially by where our jurisdictional regional analyses are. It is not to confirm or deny what you are saying because you are right. This Plan has actually made a huge step towards focusing on integrating transportation and land use hand in hand. That is why you see a lot more in-depth discussion with form based code and these types of things. I think the concern here, and it is a valid one, does to some degree transcend the area of study in this particular Plan because Lima Ola is outside of the jurisdictional area.

Councilmember Yukimura: And that is why public policymakers who are looking at the bigger picture and General Plan needs to reconcile these interregional impacts that are not addressed in the regional community plans. That is why I am asking the question because if Lima Ola...I mean, I hope nobody is going to deny that Lima Ola is going to generate a lot of traffic to the south and east, yes. If that was not taken into account, it can actually make the Plan that we are adopting not work.

Mr. Dahilig: A question earlier was about who is at first?
Does the GP come first?

Councilmember Yukimura: No.

Mr. Dahilig: Do the regional plans come first? I think part of the concern too is let us say we extend the road further and we look at what is going on in Hanapēpē, 'Ele'ele, Kekaha, and Waimea. There are projects that could generate traffic along that corridor as well, but we are operating on the model that we need to at some point, from a study standpoint, delineate where we focus and where we not focus on. Again, it is not to say that I am not confirming your suspicions this may have an effect on it. But that was not the area of study from a focus standpoint because this was jurisdictionally focused on South Kaua'i.

Councilmember Yukimura: I know, Mike, but that is not an adequate answer if the question is how will the traffic transportation plan that is part of the South Kaua'i Plan, actually work if we have this unincorporated development that is coming up? Now, where else on the west side is there going to be a five hundred (500) unit workforce housing development?

Mr. Dahilig: What I can say is, there is a lot of Hawaiian Homelands that could be developed. There are a lot of situations where you will have infill as a consequence of Additional Dwelling Units (ADUs) and residential areas.

Councilmember Yukimura: Okay, then more so, why...

Mr. Dahilig: You also have Kapalawai, which is an entitlement that is out there.

Councilmember Yukimura: But this is...

Committee Chair Chock: I am going to interrupt for just a second.

Councilmember Yukimura: Okay.

Committee Chair Chock: Because we are going to Kekaha already. I understand where Councilmember Yukimura is going with this. I think what I would like to see is us move this towards the amendment that you are proposing. If there are questions specific to, and we understand it is not in the plan that you want informed. Can we bring it home? Thank you.

(Councilmember Hooser was noted as not present.)

Councilmember Yukimura: Yes. I am just trying to rationalize the planning process and hope that we have made the proper considerations so that our plans work. I will bring it to a question that is very much related to an amendment and takes into account all of these issues. The proposed future growth area, which in the Plan says is related to the Hanapēpē-'Ele'ele Community Plan of a proposed growth area for Numila. Can you explain the justification for that?

Ms. Yuen: Numila is an existing plantation town with existing homes and an old mill site. The name is actually New Mill, Numila. So, it is an existing community that has existing State land use, urban. The thought was based on the potential expansion of the Port Allen-'Ele'ele area, which is less than two (2) miles away from Numila, that could be a secondary community center. If that were to happen, you would apply your special planning area so you have the smart

growth concepts integrated how that is built out, that it would connect, and it relates more to the Port Allen-'Ele'ele Community Plan area. It was primarily because the boundary got shifted to the Wahiawa Gulch instead of Kalāheo Gultch where it was originally. So, that on the map is just similar to what you are saying earlier about giving the head up about when the 'Ele'ele-Hanapēpē Community Plan goes into its own process, that hey, there is this concept. It got put on the South Kaua'i District map, but it relates much more closely with Port Allen and that potential economic growth or that center. It is less than two (2) miles away, there is an existing town. So, that is that kind of that relationship.

(Councilmember Hooser was noted as present.)

Councilmember Yukimura: Then why do you not leave it to when the 'Ele'ele-Hanapēpē Plan is done rather than have a citizens group in another region actually address something that is more naturally part of Hanapēpē-'Ele'ele? That is number 1. Number 2, it seems like a huge leapfrog to say we are going to create another community over there where there are huge expansions of land in between. Now, I think the zoning at Numila was for camp housing or for farm worker housing. I do not know the history behind it and I feel that is a responsibility of our Planners to understand the history because if that was meant to be a farm worker housing site, that is a very different concept than a future growth area, which if you put agricultural subdivisions and country estates all around, it starts a whole new urban center in a place that is not appropriate. Are you really saying we are going to start another Kōloa-Po'ipū area, it may be small, but over there? If not, I hear no distinction. It is just saying "future growth area" and it says that. In your policies and guidelines, 4.3, it says, "Focus residential properties to infill vacant zoned lands and strategic areas contiguous to existing settlements." It has Numila eight percent (8%). You are saying this is a new growth area. To me, it is a major decision and it is being made for what is naturally part of another planning area.

Mr. Dahilig: Just to be clear, when you talk about Numila, you are talking about the existing camp and expansive boundary?

Councilmember Yukimura: There is no other place called Numila that I know of.

Mr. Dahilig: Okay, because I know there is the discussion also concerning the very western boundary that you are raising, concerning the future growth area. I think there are two (2) issues that we are trying to help address.

(Councilmember Kagawa was noted as not present.)

Mr. Dahilig: If we want to look at the Wahiawa Gulch issue, again, I think it really is a policy call for this body whether or not to memorialize that issue that came up in the process. That specifically, is our intent to memorialize what came up and we informed the landowner that it is not appropriate because of one, the contiguous of that development to what is the next regional area. But two, that because it is information that came in through the process, we should at least memorialize it. If the Council would like to take it off, that is again, an amendment we can help digest with the Council. With the Numila Camp issue, again it was something that was brought before the CAC and brought before the Planning Commission, and is based off of the fact that that area does have State Land Use Urban zoning. It is not as if this is something that is starting from scratch. This is something that was meant to act on what was a State policy, adopted

many, many years ago, concerning that area. Now what this does is provides an opportunity to get to what you are saying through ordinance. If we do expand on that area, we can say it is all farm worker housing or it is all large lots or it is all this or that. I think that is all it tees up for discussion from an implementation standpoint down the line is that the zoning can help mitigate or craft the kind of community you want to see there, but within the distinct boundaries as already adopted by the State Land Use Commission. Again, that is an amendment that the Council as a body can entertain to leave in or take out. But that is the rationale and just for the record, we want to confirm that.

Ms. Williams: Also to be clear that the area surrounding Numila is not a “future growth area,” but “conditional growth area” on our land map and does not give entitlements. It is not the same as say the Po‘ipū Gateway.

Councilmember Yukimura: But it is listed...

Ms. Williams: But Numila...

Councilmember Yukimura: It is listed here.

Ms. Williams: Yes, that is the first...

Councilmember Yukimura: As with all others, with the Po‘ipū Gateway and with existing town centers in Kōloa-Kalāheo. It and makes it seem like it is one of those.

(Councilmember Kagawa was noted as present.)

Ms. Williams: Are you referring to page 4-10?

Councilmember Yukimura: Yes.

Ms. Williams: To the allocation of the potential future growth? Part of what we were doing is looking at existing urban districts and trying to assess capacity of these places to absorb some of our projected growth. Therefore, that is not referring to the conditional growth area, but the actual urban district in Numila.

Councilmember Yukimura: Well, there is a lot of lack of clarity. I do not know what the rationale was for the State Land Use Commission to give it and when it was done and all of that. I believe it was mainly for farm worker housing, but we do not have to go along with State policy. We can say, “This is a major shift in growth on our island. It is very contrary to our policy of expanding from existing areas. It is an aberration and maybe we should do transfer of development rights or we should say it is housing.” But I hear you saying, “We are going to put in mixed use. We are going to put in some commercial.” This is going to be a growth area in the future. Is that what we want to say? Is that what we are saying?

Mr. Dahilig: I think whether that is or is not what we want to say, I think this is what the community process developed. This is what came out as their recommended policy. If again, the Council would like to remove it as an amendment, remove the spatial definition as an amendment, it is certainly within the prerogative of the Council to do so.

Councilmember Yukimura: I am guessing that the CAC that you have for Kōloa-Po'ipū-Kalāheo was not really looking at Numila.

Mr. Dahilig: We cannot make that judgment. We have to look at what it is in its entirety. The CAC went through a very intensive process and everybody knew what was on the maps and whether their eyes were focusing on one place versus another, everything was laid out for everybody to see.

Councilmember Yukimura: How does the Planning Department justify it in terms of good land use plan principles?

Mr. Dahilig: I think as Marie said before, one of our singular statistical objectives was to look at housing and rather than looking at agricultural areas, we were looking at areas that already had some type of urban entitlement. This has an urban entitlement from the State Land Use Commission.

Councilmember Yukimura: However your policy is "The ability to afford a place close to work, commercial services, and places to foster independence, allows income to be spent in other ways besides transportation costs, and builds community."

Ms. Yuen: And it is because it is less than two (2) miles away from Port Allen. So, the idea was that this is the eastern expansion of Port Allen. I mean, that is a major economic center for the island. Numila itself is less than two (2) miles away. The condition of...

Councilmember Yukimura: It is not a walkable distance.

Ms. Yuen: Well, I mean...

Mr. Dahilig: Also keep in mind that Numila also is a center of commerce as well. It is the headquarters of Kaua'i Coffee which is a very large employer of the island.

Ms. Yuen: Right.

Councilmember Yukimura: It is an agricultural headquarter.

Ms. Yuen: Sure, and maybe that Special Planning Area (SPA) becomes something a little different. Maybe it is not the typical more urban or dense...Maybe there is some kind of hybrid that could come out of it.

Councilmember Yukimura: Well, if that is the case, it is incumbent on us policymakers to make that really clear if it is not meant to be an urban center.

Mr. Dahilig: I think again, this is our recommendation based off of what the CAC process has come up with and the Commission has set forth. It is again, within the prerogative of this Council to say, "We disagree" and you spatially can take it out.

Committee Chair Chock: I think they have answered your questions.

Councilmember Yukimura: Thank you.

Committee Chair Chock: Do you have more?

Councilmember Yukimura: Yes.

Committee Chair Chock: I thought you had five (5).

Councilmember Yukimura: Yes, that was only two (2).

Committee Chair Chock: I counted two (2) so far.

Councilmember Yukimura: Yes. Context sensitive transportation networks. I guess I would like to understand what you mean by "context sensitive" and whether, in fact, the easier to understand description might be "multi-modal?"

Ms. Yuen: Just to clarify "context sensitive" has more to do with how it relates to where it is. Multi-modal has more to do with the different types of transportation modes whether it is walking, biking, car, or bus. The idea for the section was to say that you want your transportation systems, whatever it is, car, bike, or pedestrian to relate where it is spatially. So, that is what was intended by the term "context sensitive." I think we suggested some language to make that a little clearer in the introduction. I do not know where the language ended up, but I think we have prepared a revision to clarify that. I do not think it is a major deal if you wanted to take out "context sensitive," but I think the gesture is that your transportation systems should relate directly to where they are. So, it should be the right scale, it should be the right modes, it should be what people will use, and what people wanted. That is kind of the distinction between the two (2) terms.

Ms. Williams: Just to help clarify that there is a distinction between both phrases, they cannot necessarily be used the same way, in that you might have a four-lane road that can accommodate every single type of mode, but not necessarily be the right road to build by a school for example.

Ms. Yuen: A small town.

Ms. Williams: Or be in the center of a town as your main street. So, you just have to consider the different land use contexts by which roadway our network is located.

Councilmember Yukimura: We had a discussion about indicators and at that time you said that the indicators were not meant to actually be indicators as specified in the Plan and that you were going to work on them. I guess I asked that that discussion be included so people would have an understanding of what you meant by "indicators" in that section. Is that forthcoming because I think in subsequent discussions, I was not clear whether it would be forthcoming or whether that would be clarified?

Ms. Williams: I believe that the last time we met, we started this discussion and you did recommend some new or more specific indicators. We are comfortable with the inclusion of those. Yes, we can work on that.

Ms. Yuen: Yes. We can also add it as an action item in the action plan to set up those indicators. I think what Marie is saying is that there is already a Committee of some sort that is already looking at these kind of long-term

indicators for the County that we could probably roll that into or work in conjunction with.

Ms. Williams: Yes. We might internally have to discuss what an indicators' report might look like especially given the update of the Līhu'e Community Plan and the General Plan update and if this can be integrated into perhaps an islandwide indicators' report if the intention is for us to provide an update to Council every year.

Councilmember Yukimura: Okay. In terms of the transportation indicators, I know we said there was not a way to get vehicle miles traveled, but to look at mode shift as an indicator. So, that is going to be included?

Ms. Yuen: Yes.

Councilmember Yukimura: Okay. Then I think...

Committee Chair Chock: Actually, that is five (5). I am just joking.

Councilmember Yukimura: This is one that I think really is of interest to everybody in the room. Does form-based code obviate the need for rezoning? I know we talked about that in our last meeting. I think that is important for us to understand. My notes say that it will, but perhaps it needs to be further explained.

Ms. Williams: Well, right, no, it does not obviate the need for rezoning. What we are doing now through this Plan is establishing form-based code via a Special Planning Area and the authority for us to do so is in Chapter 8 of the County Code, our Comprehensive Zoning Ordinance (CZO). Therefore, it will serve as an overlay and the underlying zoning will stay in place. Again, we are only applying this to Kalāheo Town, Kōloa Town, and a certain section adjacent to the roundabout at Po'ipū, the existing roundabout. Then in the future, such as in regards to the Po'ipū Gateway area, when they go through their redistricting process, perhaps at that time they could rezone to the transect zones instead of having to rezone to an existing County category of zoning and then do the overlay. That is in the future. The point that I am making is that in the future, perhaps some of the transect zones could actually be zones that we could rezone land to.

Mr. Dahilig: Actually, if I could also clarify. When you talk about the need for obviating the zoning, are you talking about that in the context that the current bill package has with respect to the overlays or are you talking about it generally with respect to the Plan overall? I think spatially, there is an answer to that question that is not general.

Councilmember Yukimura: Well, let us take the Po'ipū Gateway.

Mr. Dahilig: Okay.

Councilmember Yukimura: Okay. In this Plan, we are going to designate it as a Special Planning Area, but it does not get urban designation. That has to happen separately before the Land Use Commission.

Mr. Dahilig: Yes.

Ms. Yuen: Yes. It still has to get all the land use entitlements. So, State land use and then part of the...

Mr. Dahilig: So, that particular circumstance, this Bill does not obviate the need for rezoning down the line.

Ms. Yuen: They will still need to come before you to get the specific transect zones or however you want to do that process.

Mr. Dahilig: Let us take for example the areas of Kōloa, the roundabout, and that limited area in Kalāheo. This does obviate the need for rezoning, the way that the Bill was packaged. Again, part of what has been the overall presentation to the Council with respect to the Bill has been this idea that we want to move for and with form-based code. I think when you are looking at a way to kind of gauge how form-based code is working, that is why we have these three (3) particular areas that by function of the Council's action, will in a sense immediately implement transects for those areas. It is difficult to answer that from a broad-brush standpoint because it is spatially dependent on what you are trying to identify as "obviating the need for rezoning."

Councilmember Yukimura: Well, what I am hearing is that those other areas have urban zoning already and they have a General Plan designation of residential or commercial or whatever, whereas in the Po'ipū Gateway, they do not have that. They have to get urban, then they come to County level, and either they will get transect form-based, if we have that in place by then, that system, or they will come to get the traditional...it would be General Plan. What would be the...

Ms. Williams: Residential Community.

Mr. Dahilig: Residential Community.

Ms. Williams: Or urban center.

Councilmember Yukimura: It would be the General Plan urban center's designation and then it would break down into commercial, residential, et cetera?

Mr. Dahilig: I guess at that juncture, because the Po'ipū Gateway is raw land in a sense, and it has right now current agricultural designation, there is pretty much a three-step process that they are going to have to go through that I believe you are trying to outline that 1, requires State land use change, 2, requires a General Plan change, and 3, will go through rezoning. If the plan is adopted as envisioned as proposed to the Council, what the policy is, is that we are looking at not your typical R-1, R-2, or R-20 zoning. We are looking at transecting. What would be consistent with the plans, if adopted as the policy of the County, would be if the landowner would have come in and said, "I want R-20," we can say, "No, that is not consistent with the plan and what is consistent with the plan is that you need to go through the transect exercise." I can say this, Councilmember, you have been very supportive of our efforts to move and promote form-based code almost to a stentorian type of advocate; really loud and really behind us on it. When you look at what we are trying to do here, we are trying to pigeon hole the landowners to say, "You have to adopt form-based code when you are actually going to go through the rezoning process." I would not say that it obviates the need to rezone, but it forces them to rezone into form-based code versus saying, "You can come in with R-20 and then you are going to put your typical tract subdivision."

Councilmember Yukimura: A specific question about the Po'ipū Gateway, if somebody could explain this map, and maybe we should put it on the overhead because it is just a strange shape. Maybe you are explaining that this whole area, no. Why is it this shape?

Ms. Williams: Sorry, that is a close-up of our existing zoning map. They are quite large. So, of course we tried to focus in on the area that would actually have the Special Planning Area overlay. Yes, our zoning maps do not show the road names, but on the right side of the blue shape which is a Special Planning Area, is Po'ipū Road.

Councilmember Yukimura: Here?

Ms. Williams: And then the roundabout is not shown there. It was not constructed at the time.

Councilmember Yukimura: Wait. There is no roundabout?

Ms. Williams: Yes. It is at the very end, the bottom.

Committee Chair Chock: Can you hold on? I think people are getting lost.

Ms. Williams: Perhaps we can overlay this with the actual aerial image of the area.

Councilmember Yukimura: That would help because I have gotten a lot of questions from the public and I, too, do not understand it. This is part of the Ordinance. We need to know what we are actually approving.

Ms. Williams: The Ordinance of course amends the zoning map, which is why the exhibit is the zoning map. But yes, we can clarify in more detail.

Councilmember Yukimura: Okay. So, while staff is...

Ms. Yuen: Maybe add a supplemental map to illustrate it.

Committee Chair Chock: It sounds like the question was answered that we work on maybe an amendment for the Bill.

Councilmember Yukimura: Well, I mean...

Committee Chair Chock: Or the map itself.

Councilmember Yukimura: One of my main concerns is if we give this area for workforce housing that was the main intent, that people could live and work in Po'ipū, how are we going to assure, and this may be in subsequent actions, but I want to know what the sequence will be and how we are going to get to a place where people who work in Po'ipū will actually be able to live there and how we are going to keep the housing affordable because without knowing those two things, we could just be approving second homes that cost one million dollars (\$1,000,000).

Mr. Dahilig: I think to effectuate that concern, Councilmember, I think from an amendment standpoint, what we would recommend is if you would like to propose something that intertwines that the purpose of these lands in these areas are meant for workforce housing, I think that helps us from a standpoint moving forward when we are approving permits that the policy flag is there for the Planner to review and either from the zoning amendment standpoint or from a zoning permit standpoint insists that approval be consistent with the policy.

Councilmember Yukimura: It may even take a subsequent Council ordinance to do that. I do not know. I mean, I do not know how we are going to get to your end goal. But I am assuming that we are all together to achieving that end goal.

Mr. Dahilig: If the amendment did tee up something like that, I do not think our Department would be objectionable because I think it is consistent with what the community has voiced time and time again, this need for close proximity and workforce housing close to work centers.

Councilmember Yukimura: Thank you.

Committee Chair Chock: Do you want to outline the proposed area of concern that we are talking about here?

Ms. Williams: Okay. I will just describe Exhibits 1, 2, and...

Councilmember Yukimura: I want this map.

Ms. Williams: ...and 3.

Committee Chair Chock: Oh, you want the other one?

Councilmember Yukimura: Yes. This is the one in Po'ipū.

Ms. Williams: Okay. In reference to Exhibit 3, that is Special Planning Area "J," which is...

Councilmember Yukimura: Do you need a pointer?

Ms. Williams: The Po'ipū roundabout. Special Planning Area.

Councilmember Yukimura: Give her a pointer. Wait, that is Kalāheo. Thank you. Oh, what happened?

Ms. Williams: Sorry.

Councilmember Yukimura: This is Po'ipū, right?

Ms. Williams: Yes, and the roundabout is right here. Of course at the time that the zoning map was drafted the roundabout and the bypass road were not constructed. So, the roundabout would be here and the Fire Department's station is right here. Then Po'ipū Road of course runs on this edge.

Councilmember Yukimura: Oh I see. Okay.

Committee Chair Chock: Okay.

Councilmember Yukimura: But that is not the urban gateway?

Ms. Williams: No. We are not adopting a Special Planning Area in the Gateway through this Bill. It is recommended in the map for future action.

Committee Chair Chock: Thank you for the clarification.

Councilmember Yukimura: Okay, that clarifies a lot for me. Thank you. I was really off-base. So, this is the area actually, that straddles Kōloa-Po'ipū.

Ms. Williams: Correct. It basically served as the gateway feature right now. Many people view the Po'ipū roundabout as a gateway to Po'ipū.

Councilmember Yukimura: There is an affordable housing project that the Housing Agency is working on. Is that outside of the map?

Ms. Williams: Yes. It is not in the Special Planning Area.

Councilmember Yukimura: Okay. Thank you very much

Committee Chair Chock: Good. Thank you so much. Any other questions, members, before we move forward with our testimony? Councilmember Kagawa.

Councilmember Kagawa: I just wanted to clarify, there is maybe some confusion. I think the affordable housing project that she was talking about, can you describe the location? Is it right adjacent to the Kiahuna Golf Course, across the road?

Ms. Williams: Yes, I believe it is across from the entrance of Lopaka Paipa Boulevard, the project currently owned by the County and that the Housing Agency is working on. That is further up Po'ipū Road, closer to Kōloa Town.

Councilmember Kagawa: Then there is another one with Kukui'ula or is that the same one?

Ms. Williams: Councilmember Yukimura asked us to include this in the map. There is a potential for a limited equity housing site or co-op. But my understanding is that there is an option for the State Department of Education to develop a school on that site. If they forego that option, then that would allow the development of the affordable housing project.

Councilmember Kagawa: Thank you.

Ms. Williams: Well, is it a Special Planning Area? I am not sure. We can confirm that.

Councilmember Yukimura: Oh, it might be.

Committee Chair Chock: Okay. Any other questions, members, of Kimi before she goes to Seattle? No? Thank you. Thank you very much. Actually, no. We

can ask you questions and you will be coming up next to testify, the public. Actually before you leave, can you give us an update about where we are in terms of process because I know we have had multiple meetings in trying to vet it? I just want to talk about how we move forward on some of these amendments given the direction of some of them. I know we have worked on trying to kind of segregate the types and so we have taken care of a big one already. But as you can see from the discussion today, there is further, I think, delineation, in terms of the kinds of amendments that we are looking at. It might be easier for the members to run through them moving forward.

Mr. Dahilig: It is similar to the process that we engaged in with Councilmember Hooser just having the open discourse with our Department first so that we can give our input and then also give a perspective on each of the amendments. I believe we are reaching closer to that actionable juncture where we can take a lot of issues that the Councilmembers have been proposing and actually look at them as actionable amendments. I think that is really what would help us on our end and we are willing to work with the Council Services Staff and the particular Councilmembers to actually help craft the amendments. That way, by the time the measure does hit the floor again, we have actionable items that the Council can discuss from a policy standpoint.

Committee Chair Chock: Great. I did get a copy, not to go too far off, but I did see the Lihue Plan and matrix that has been submitted from Lea. I like the way it is set up, the proposed amendment and the area, how it is referenced on the Plan, and then the response as well. With these suggestions, I think it was clear. We want to know what the Department's take on it is.

Mr. Dahilig: Right.

Committee Chair Chock: And if it has significant impact based on what the CAC has contributed. Questions?

Councilmember Hooser: Yes.

Committee Chair Chock: Councilmember Hooser.

Councilmember Hooser: I have a question for each of you, I guess. Historically when these plans are approved, prior plans, and maybe in prior communities, is the Council normally a "rubber stamp" or do they, generally speaking, make substantive amendments and changes?

Mr. Dahilig: Kimi probably has more Statewide perspective on this because she works across the State. For myself, the matter of fact is that this is actually the first time this process has been occurring since the 1970s. It is hard for me to say from a historic standpoint, since I was born in the 1980s, to explain what precedence there is. But maybe Kimi could better describe what the Council process has been in other counties.

Ms. Yuen: I think it has probably been a variety and it depends on how controversial...I have known of plans that have never gotten adopted. I do not mind the discussion and the effort to try to get to a point where we will all agree and hopefully update your plans for probably the first time since it was actually adopted in the 1970s. With that, I would say there is a variety of actions that happened through the adoption process.

Councilmember Hooser: I think if I remember correctly, the General Plan last time it was updated, went through a similar process with community groups all over the island and the Planning Commission. Then when it came to the Council, which I was serving on at the time, there were substantive changes made at that time. It was not just to support the plan that was given to us.

Mr. Dahilig: I have no reason to dispute that. I know that the process was lengthy.

Councilmember Hooser: Right.

Mr. Dahilig: It is similar on the timeline scale that we have versus the General Plan which started in 1998 and wrapped up in 2000. I do not think we have any disagreement at least from our Department's standpoint, that the perspective of a Councilmember is valid in terms of how they view to treat this measure. Whether it be through more deference to what has been proposed or wanting to fine-tune things, I do not think there is any rule or practice that says you can or cannot.

Councilmember Hooser: Thank you.

Ms. Williams: Just going along with that, I will just mention that we have hopefully made it clear to the CAC and the public, that the Plan is not final until Council approves it and the Mayor signs the Bill. So, that has been our message as well, that it is a process.

Councilmember Hooser: Okay. Thank you very much. Thank you.

Committee Chair Chock: Councilmember Kagawa.

Councilmember Kagawa: I just wanted to clarify because I did not want to bring public testimony to a different topic. I mentioned Kiahuna. It has no relation to Kiahuna. The parcel I am talking about and that you were talking about, the affordable one, the piece is closer to Pa'anau, right? On the bottom side of Pa'anau? Yes, it is not Kiahuna. It is across whatever hole of Kiahuna, but more *mauka*.

Ms. Yuen: Yes.

Mr. Dahilig: That is right.

Councilmember Kagawa: Right, the par 3 I am talking about. The one you can see from Kōloa Road. But it is way more *mauka* than that even. I just wanted to clarify because I did not want to talk about an affordable housing that is nonexistent. Thank you. Thank you, Chair.

Committee Chair Chock: Thank you. We will look forward to discussion and the amendments forthcoming. I will just preface by saying we need to help Councilmember Yukimura as much as possible to get to where she needs to be. If we can make that request of Councilmember Yukimura, that we know these amendments are forthcoming and we need to be able to get to them, whatever we can do to support them and get them on this agenda by the next meeting is my goal so that we can move this out of Committee and towards the Council as a whole. Yes?

Mr. Dahilig: Just to clarify from a timing standpoint, in terms of the next meeting, you are talking about the 29th? Are we still leapfrogging?

Committee Chair Chock: May 13th.

Mr. Dahilig: Hopscotch is what I was going to say.

Committee Chair Chock: We are leapfrogging and hopscotching as you said. I think we are looking at May 13th as the next date. Thank you so much. Two (2) more questions?

Councilmember Yukimura: Based on our last meeting I was expecting some proposed amendments.

Ms. Williams: Yes. We prepared responses to part 3 of the question list. We will forward them on to you as soon as we can and then set up another meeting.

Councilmember Yukimura: Okay. Thank you very much. I appreciate all of the accommodations.

Committee Chair Chock: Councilmember Kuali'i.

Councilmember Kuali'i: I just wanted to say that I appreciated the Planning Director's comments about workforce housing and that I am going to be working on a couple of amendments, one having to do with workforce housing.

Committee Chair Chock: Thank you. In fact, are there any other amendments on the horizon, Councilmembers as we move forward? I just want to put them out there so we can start to ensure efficiency. I know Councilmember Yukimura has all of them or a majority of them. I think I have one (1) more. Okay. Thank you so much for your time again.

There being no objections, the meeting was called back to order, and proceeded as follows:

Committee Chair Chock: At this time, B.C., do you want to take the caption break now? Everyone in the audience, now is your chance to ask questions. We are going to take a break. We have some of these people here. I do not think her flight is right away. We can do it on a break. We are going to come back for public testimony right after that, before lunch. Thank you.

There being no objections, the meeting recessed at 11:05 a.m.

The meeting reconvened at 11:17 a.m., and proceeded as follows:

(Councilmember Kagawa was noted as not present.)

Committee Chair Chock: Welcome back. At this time, we are going to open it up for public testimony. If we can move forward on that, we have some registered speakers. If we could call the first speaker up.

There being no objections, the rules were suspended to take public testimony.

Ms. Arakaki:
followed by Richard Vidinha.

The first registered speaker is Rupert Rowe,

Committee Chair Chock: Mr. Rowe. If anyone else would like to testify and has not signed up yet, please do so, so we get a sense of where we are in testimony. Thank you.

(Councilmember Kagawa was noted as present.)

Committee Chair Chock: Good morning.

RUPERT ROWE: Good morning. My name is Rupert Rowe. I am here to talk about the drainage in Po'ipū so that we all have a better picture on the development in the area because there is no drainage plan. Very critical. I had the opportunity to walk with the Army Corps of Engineering that came in from Washington, D.C., San Francisco, and Honolulu. I spent eleven and a half (11 ½) hours with them. We walked everything. We walked through every culvert and every slope along the way. I want to focus my issue above the *heiau* because it will affect the drainage system. On the piece of paper that I gave you folks, that would become the drainage at Po'ipū Beach Park and going to the ocean. But I do not see anything on that map of how the water is going to the ocean. It is very critical because we have no drainage plan for this massive development in this area. First of all, on the top of the map there is a road that comes down. That is the bypass road. Everything east as that property should remain agriculture for the next fifty (50) years because that is the only drinking area where water will seep through the ground because everything west of the bypass road is solid rock. As we look by the Marriott's Waiohai Beach Club (Waiohai) what has happened, the plans of drainage was overlooked in the early 1960s, 1970s, and 1985. We filled up the natural drain from Waiohai to Kiahuna and all the way down to the Sheraton Kaua'i Resort (Sheraton). Now we are facing a great problem in the 21st century because we have no drainage plan. When we are talking about development in this area, we are talking about catchment, detention, and now you have to create the reservoir. I want to know the liability on these things that are manmade on the destruction that will happen on the bottom end. Okay? Why I say this is very important is because, when I was on the Committee with the Po'ipū development, I asked the question about drainage. I guess drainage really was not the problem, but when we intervened in the development on the top end, the State Land Use Commission flew here. I am at the intersection. Do I have to stop?

Committee Chair Chock: That is okay. Do you know what? You get three (3) more minutes after everyone, but I think we probably have questions in order to clarify. For me, I do not know if you have the pointer there, but if you could show us exactly where you are talking about in terms of the flow and the concern and where it is going to with this map. I think there are some other questions.

Mr. Rowe: Okay. This is the bypass road that comes all the way down.

Committee Chair Chock: Right.

Mr. Rowe: Everything east of this should remain agriculture. The rocks one here on the top when you go to the mill. From there down, on this side of the road is solid rock. Everything over here, this is the *heiau* right here. This is Weliweli. This development in this area will unload in here, all the way up.

This is the *ahupua'a* wall that goes straight up. The Hawaiians before had walls going this way. It was to channel the water to unload all the way from here to here. But what we did in the 1970's, 1980's, and 1960's, we filled it all up. We do have a serious problem. Now when you create catchment basins all round in here, I would like to know how many catchment basins, how many detention, how many reservoirs they have to put there to catch the water flowing down, and how many injected wells are there in this location of what is taking place.

Committee Chair Chock: Thank you.

Mr. Rowe: We really have to look at the drainage. So, that is all I have to say, but I would like to say a little bit more.

Committee Chair Chock: We are going to ask you back, but we have a question from Councilmember Yukimura.

Councilmember Yukimura: Hi, Rupert.

Mr. Rowe: Hi.

Councilmember Yukimura: Thank you. It is my understanding that the upper portion or the *mauka* portion...

Mr. Rowe: Can you change the map?

Councilmember Yukimura: ...the zone was not granted, so do you know where there is this sort of curved parallel?

Mr. Rowe: Yes.

Councilmember Yukimura: That is where the development stops. It is only the lower portion of this...what does it look like? It looks like a frog leg upside down. It is the lower portion that is going to be urbanized.

Mr. Rowe: What I wanted to say is that you have to look at that very seriously and look at how the flow of the water will come down. Whether you are on the bottom or whether the future growth in this area will flow down to the bottom. The State Land Use Commission denied the zoning change because they had to come up with a drainage plan and it should not be the County. On the eastside of the bypass road, they should come up with a drainage plan, which I think is very important for them to show us everything in this particular area. All of this right here, there is no way for the water to go into the ocean and it is all the way up to Kōloa Town.

Councilmember Yukimura: Can we see the first map? This is actually more applicable to the next application maybe than the South Kaua'i Plan.

Committee Chair Chock: Do you have a question about it?

Councilmember Yukimura: Yes. Are you referring to this little red dotted line that is coming through?

Mr. Rowe: There?

Councilmember Yukimura: No, lower. That is drainage, is it not? Is that that not the drainage proposal, a pipe, a forty-eight (48) inch culvert?

Mr. Rowe: It is right here.

Councilmember Yukimura: Okay. So, it drains the water and comes out into Kāneiolouma?

Mr. Rowe: Yes.

Councilmember Yukimura: So, all the water just flows right into the *heiau*?

Mr. Rowe: Everything over here and all of this over here all flows into here.

Councilmember Yukimura: The run-off will flow through the Po'ipū Beach Park area before it flows to the ocean?

Mr. Rowe: Yes, that is on this side. That is the parking lot right here.

Councilmember Yukimura: Right.

Mr. Rowe: This is the other side of the County property.

Councilmember Yukimura: Right. What is the flow? The flow is from *mauka* above Po'ipū Road, through the culvert to Kāneiolouma, and then where does it go? It just settles there?

Mr. Rowe: Yes. Okay. This is Kāneiolouma.

Councilmember Yukimura: Right.

Mr. Rowe: And the forty-eight (48) inch culvert right here.

Councilmember Yukimura: Right.

Mr. Rowe: This is Manokalanipo Park.

Councilmember Yukimura: Right, and that has a...

Mr. Rower: This is the Waiohai right here.

Councilmember Yukimura: I know. Rupert, Manokalanipo Park has a holding pond, right?

Mr. Rowe: The parking lot.

Councilmember Yukimura: The parking lot. Okay. So, that is a problem. Thank you.

Committee Chair Chock: Any other questions? If not, thank you. We will ask you back if you have more to share. Thank you. Next testifier, please.

Ms. Arakaki: Next speaker is Richard Vidinha, followed by Bridget Hammerquist.

Richard Vidinha was noted as not present.

Ms. Arakaki: Bridget Hammerquist, followed by Greg Peters.

BRIDGET HAMMERQUIST: Thank you. Good morning. I have returned today because I do want to make just a few brief comments. I share Rupert Rowe's concern about adding congestion with the development that is proposed in the South Kaua'i Community Plan along Po'ipū Road. I did talk briefly with the Planners this morning. There are areas using the west bypass road going up from Kukui'ula Shopping Center. There is land opposite of the new segment of Pa'anau that is within walking distance of the Shops at Kukui'ula. It is also within tram or shuttle distance of the hotel for people getting to work. Currently, that one thousand one hundred (1,100) unit property that is supposed to be opposite of Pe'e Road would put quite a closed-in feel on to the Po'ipū traffic on Po'ipū Road and it would be people that would have to get out of the area and evacuate, whereas if they were up just a little bit off the west bypass road *mauka* from Kukui'ula development, they would not be in the evacuation zone. So, there are a lot of benefits about relocating that unit. It also helps with the drainage issues. I would just endorse further exploration of that and it is also an easy tram or shuttle ride. I think where they are thinking very strongly about people walking from the Pe'e Road development, the one thousand one hundred (1,100) unit development, the walk to the Grant Hyatt Resort and Spa (Hyatt) is a good for four (4) city blocks and I do not know what studies are available to show how likely it is people will really walk that distance. It is certainly not walkable to the Sheraton. It is not walkable to Waiohai. People are going to want to take their cars rather than do that. I think it is probably maybe more, from my perspective, realistic to accept the fact that people are going to want to ride if they can. So, if they have housing that is in an area that they do not have to evacuate, but they can get out on Oma'o Road or they can get out on the road through the tree tunnel faster than being down in the glut of the community down by the resorts, that seems more sensible. It also helps with the drainage problems and I would just ask that all of the Councilmembers consider when the CAC met to develop the South Kaua'i Community Plan, there were members on the CAC who maybe should not have served because we had people that went and asked questions about the issues of agriculture, keeping agricultural land like the agriculture land that is right opposite Pe'e Road, and making organic or small farms, giving people the opportunity to develop agriculture in a less intensified way and in a way that would hurt the community less.

Committee Chair Chock: Ms. Hammerquist, that is your time.

Ms. Hammerquist: Thank you. It was not incorporated. That is all I have to say. I appreciate it. Thank you.

Committee Chair Chock: Thank you so much.

Councilmember Yukimura: Question.

Committee Chair Chock: We have a question here. Councilmember Yukimura.

Councilmember Yukimura: *Aloha*, good morning.

Ms. Hammerquist: Good morning.

Councilmember Yukimura: You are proposing to relocate or move the Po'ipū Gateway portion of the plan? Is that what you are saying?

Ms. Hammerquist: Yes, the affordable housing. I lived on the Big Island for a long time and I know how congested Kona felt after it was built up on both sides the road. It was like you are going through this mega area.

Councilmember Yukimura: Okay.

Ms. Hammerquist: I am trying to keep Po'ipū more open and more beautiful and also to meet some of the concerns that people have had for drainage and some of the other issues, which are big issues down there.

Councilmember Yukimura: And in that area, you would have to evacuate? Is it in the flood area?

Ms. Hammerquist: It is in the area where there is a hurricane warning. Those houses would have to...tsunami. Any of the tsunamis. They would have to get on the bypass and they would be joining everybody else that evacuates from the Hyatt, the Sheraton, Waiohai, and all that. All of the beach coastal properties evacuate. You would have to go up Kipuka Road or above to miss the evacuation point. I know we live on Lopaka Paipa and we do not have to evacuate, but most of the community below us does.

Councilmember Yukimura: Okay. I would like that verified because as I recall, because the Hyatt was setback, it was not damaged like the Waiohai and Kiahuna. It is hard for me to imagine that area *mauka* Po'ipū Kai is part of tsunami inundation.

Ms. Hammerquist: They are and they do evacuate.

Councilmember Yukimura: Okay.

Ms. Hammerquist: My brother worked at the Hyatt. We all...

Councilmember Yukimura: Oh, yes. I think the Hyatt would have to evacuate.

Ms. Hammerquist: The Hyatt was really tremendously badly damaged, Councilmember. When the 1992 hurricane hit, it was really badly damaged.

Councilmember Yukimura: Yes, but it was the first to come back because...

Ms. Hammerquist: Only because they pressed all of their employees into renovation and restoration.

Councilmember Yukimura: Well, I think it was...

Ms. Hammerquist: My brother was a chef...

Committee Chair Chock: We can have that question...

Councilmember Yukimura: Yes, thank you.

Committee Chair Chock: Any other questions? Thank you so much for your testimony. I appreciate you being here.

Ms. Hammerquist: Thank you very much. Thank you for listening.

Committee Chair Chock: Next person, please

Ms. Arakaki: Next speaker is Greg Peters, followed by Joann Burkhardt.

Committee Chair Chock: Good morning.

GREG PETERS: Good morning. For the record, my name is Greg Peters. I am the Executive Director for Malama Maha'ulepu and a resident of Kōloa. Given this is my third opportunity to testify orally before the Council, I would like to reiterate my appreciation for the opportunity, but also keep my comments brief. No need to re-read previous points. In any case, it is the position of our organization, Malama Maha'ulepu, that the Plan's current draft expresses the community's aspirations for preservation and access to these lands. We appreciate the attention to and the recommendations which build upon the Kōloa community's, and County's past efforts to recognize this area's need for careful protection and careful management. We also appreciate the exceptional efforts made for public involvement including our opportunity to provide meaningful input at community meetings, local events, and online. We understand that the Council is in the process of reviewing a number of amendments, but we look forward to continued positive and meaningful engagements with the County and other stakeholder groups as we move through this process and visit the updating of the General Plan, and to ensure these documents are fully reflected in the CZO down the line to prevent against any incompatible specific land uses that the Maha'ulepu area may be facing. I thank you for the opportunity again.

Committee Chair Chock: Thank you. Next speaker, please.

Ms. Arakaki: Next speaker is Joanne Burkhardt, followed by Juliana Chery.

JOANNE BURKHARDT: Good afternoon, I am Joanne Burkhardt. I am a native of Southern California. I have seen what happened with our area as I have lived in Laguna Beach. The building behind us grew up so fast that our reclamation could not keep up with the literal flow of what was behind us. It became the dirtiest beach in California. I do not want to see that happen here. We have so many resources. I think that we really need to do a lot of planning, a lot of foresight of what goes on, and how our County is going to live. You talk about homes for the future of the County, the people who grew up here, and want to come back here. Let me tell you, nobody is going to want to come back here if this problem continues. If

we parallel what we did in California. I am just asking you to really take a good look at our water and how it flows. Right now, I have a home in Po'ipū. It completely floods at the beach. It floods over at the Waiohai like Rupert spoke about. But really, we really need to open our eyes and make some decisions about keeping agriculture in our area. It is a different world than when I grew up in California all my life and it is somewhere that people are moving away from. It is the fastest growing county in the State, in the Country. California. People from all over are there and the people who are natives are moving out. It is what is going to happen here too. By adding one thousand one hundred (1,100) homes in such a small dense area with no place to escape and nowhere to go when there is gridlock in an emergency. All of these things have to be thought out. I just hope that we can have a really good Plan and be innovators in our State and our County to be somewhere where we can look at, be proud of, and to take these things into consideration for our future. Thank you.

Committee Chair Chock: Thank you. Next speaker, please.

Ms. Arakaki: Next speaker is Juliana Cherry, followed by Makoto Lane.

JULIANA CHERRY: Hello. Juliana Cherry, member of this wonderful County. I implore you to postpone approval of the South Kua'i Community Plan (SKCP) and other regional plans until the analysis and consultation work for the General Plan is complete. It must be understood how we can afford and when I say "afford," I mean not just financially. I mean environmentally and I mean in line with spirit to address these current infrastructure needs and problems. Look at what the impact of population growth will be in the individual area and especially where commercial and residential units have been approved. For example, Po'ipū one thousand six hundred (1,600), I think more like one thousand nine hundred (1,900), new units in the Visitor Destination Area (VDA). When analyzing the Po'ipū area, we need to use accurate population numbers. I urge you to look at numbers of bedroom per vacation unit because many of those units are two (2) to three (3) bedrooms condominiums, you have a lot of houses in Kukui'ula, in Po'ipū Beach Estates, I think it is called, and Wainani. I know that in a two (2) to three (3) bedroom house, you are going to have four (4) to six (6) people, which means two (2) cars easily. In a three (3) bedroom, you are going to have six (6) to eight (8) visitors and that can be easily two (2) to three (3) cars. Seventy percent (70%) occupancy rates, which I think is what they used in the Plan as what the impact is. I think it is important to factor in the fact that in the analysis from mid-December through April, we have a ninety percent (90%) to one hundred percent (100%) occupancy rate. I am in the business of property management in Po'ipū and I know that probably more succinctly, it is ninety-five percent (95%) to ninety-eight percent (98%) for those four (4) months. So, that is a lot more people than just doing seventy percent (70%). We need to realize that there has to be a limit to how many visitors come here. We should not just keep adding more units. Yes, great, I could rent out six (6) times more properties in that winter period, but do you know what? If they cannot come then, maybe they will come when it is slow and we can have a sense of...I kind of jumped ahead.

The Council has brought up this whole thing of the Po'ipū Village Gateway and how we can create affordable housing there. I think in your questions that you posed to on part 1 number 4: consider restrictions for Po'ipū Gateway, is it affordable, and how we can do this. The Planning Committee's answer is "Mandating landowner to go above and beyond the legal requirements and establish Ordinance No. 860 pushes the limit."

Committee Chair Chock: Sorry, that is your time for now.

Ms. Cherry: I will come back because I have more.

Committee Chair Chock: Thank you.

Ms. Cherry: Any questions?

Committee Chair Chock: Questions? None at this time. Mr. Lane.

MAKOTO LANE: My name is Makoto Lane. I live in Kōloa. I think I am going to start off first with some transparency surrounding this issue and some of the Councilmembers. Let us start off with the major players/landowners that are involved with financially benefiting off of the South Shore General Plan. To my understanding, the major landowners are Grove Farm, Alexander & Baldwin (A&B) Properties, and Knudsen Trust, is that pretty much correct?

Committee Chair Chock: Yes.

Mr. Lane: Okay. I did some investigating on the Campaign Contribution Reporting. Mel Rapozo, I see is not here. It is because he is not a part of this thing or is he sick? But he is going to vote on the final? I think he should probably recuse himself as major conflict of interest. Alexander & Baldwin, which has major stakes in this General Plan and stands to profit greatly, has donated nine thousand dollars (\$9,000) to his campaigns from the years 2008 to 2014. That is quite a substantial amount. So, in return for helping him get elected, he returns the favor by approving development for them and making money. He has also accepted campaign donations from labor unions, which also stands to benefit off this. Other members. This is not showing any disrespect. I am just transparent. Mr. Kagawa, how much have you received from A&B Properties?

Councilmember Kagawa: I have gotten some donations. I am not sure, but I do not think it is relevant, really.

Mr. Lane: I counted about four thousand dollars (\$4,000).

Councilmember Kagawa: That is about right.

Committee Chair Chock: Mr. Lane, if you could make sure we tie this back to the agenda item here. I think that is really important.

Mr. Lane: Okay. So, this all has to do with overdevelopment and certain entities that stand to benefit financially. I just see it as a conflict of interest. I think that those members that are directly tied financially to these large landowners should recuse themselves because of conflict of interest. Also, I want to touch briefly on the Numila urban zoning. There is eight (8) or ten (10) houses there and I am not sure how you go from eight (8) to ten (10) houses to urban development. When I think of urban development, I think of Honolulu or Waikīkī or something like that, and that is not what that area is. Finally, let us not lose what makes Kauaʻi special and what draws our visitor population. The small town atmosphere is what draws visitors to Kauaʻi, not Maui or not Oʻahu. Thank you.

Committee Chair Chock: Alright, next.

Ms. Arakaki:
Felicia Cowden.

Next speaker is Eileen Kechloian, followed by

EILEEN KECHLOIAN: Hi. My name is Eileen Kechloian. I live on the island of Kaua'i. I have two (2) things that I wanted to just address briefly and that was this amendment that came up on the zoning. I really believe that agriculture needs to have different levels of what they can do on their property. I think that a lot of them I have read. I have been reading from other Counties just to see what they have and what they say. They separate lettuce, vegetables, and things like that from animals. What they do is all animal husbandry has lettuce in between with the lighter zoning. I think that that is something that maybe even though you did not really agree on it, maybe you could talk about it some more. Be nice. The other thing is I agree with Rupert. I have lived through the forty-five (45) days of rain that we had and down at Po'ipū, by the beach and that parking lot, there were three (3) cars floating in the parking lot. Three (3). Tourists left them there. But there was a Volkswagen (VW), "Bug" floating. There is an area by Brennecke's Beach Brioler that is like this. They worked on it, but every time it rains, it is still full. So, you cannot get up that way.

Anyway, the other thing is during evacuations. I have been through many, many evacuations there and had the police go through the neighborhood with their loudspeakers. They were evacuating. They all evacuate to the Kōloa Ballpark. That is where the Hyatt evacuates. That is where all of the places evacuate to. If you have that many, put another one thousand one hundred (1,100) homes in there, I do not know where everybody is going to evacuate to. When I have tried to leave before, I see nothing but taillights from Po'ipū Road going this way and Pe'e Road cuts in with the bypass. This is all taillights. These people are not moving. They wrap all the way around. They are not moving. What they are doing with the area down the other side, the roundabout, they are going to put a store in and they are talking about a gas station. If you do that, you go by the gas station during an evacuation that is already there, it is lined up. You cannot get through that area. So, you cannot get out from the one-way around the roundabout. If they put in that gas station, you probably will not get through the other way and right now it is all blocked up.

Committee Chair Chock: That is your time.

Ms. Kechloian: Okay. Thank you.

Committee Chair Chock: Thank you.

Ms. Arakaki: Next speaker is Felicia Cowden.

FELICIA COWDEN: Aloha. I am Felicia Cowden. I am from Kīlauea. I am going to defer and respect the *mana'o* of the people from the region for details of what is best for them. But as an island resident, it is still important to all of us of how these decisions are made. So maintaining home-rule is critical to all of us. I really support amendments that shift or co-create planning with the County rather than just the State that would apply to the agriculture elements. We saw that come up. That is important. In fact, I was here last week on the Resolution regarding the marijuana dispensaries. The biggest argument I found in the side that was taken is that, that created a State ruling over the County. I have trouble with that. I really do believe anywhere we can put the power with the County, we do better.

I am in agreement with the need for comprehensive planning with other regions for traffic. Clustering affordable housing, employment, and businesses are important. One of the best ways for us to lighten the traffic load is when that happens. I want to applaud the work that has been achieved by the south shore development team and I recognize that there is value when each region plans for themselves. But I think it would be the best choice if when they are totally adopted and finalized by the Council is with the completion of the General Plan, that way, we can see how they adjust, change, and work together because what each group says is really going to matter on the impacts. In my *moku*, Halelea, actually Ko'olau, but we are up on the north shore. If we have to drive to Līhu'e, it very much impacts the east shore. I think that is important. On the other pieces, I think that each region's plans will yield similarities of challenges and one group might come up with a good solution that could be extrapolated out to the rest. I think that follows in. The other thing that makes me nervous when I look at this is, the overlooking of the agricultural purposes, the large and divisive dairy. Unless I missed something, because I have gone to two (2) south shore planning meetings, if there is an amendment...I have not seen it. So, forgive me if it is even in there. I know that Kaua'i Springs, for example, is being scrutinized for permitting and that is pretty low impact comparatively. I think it all needs to be put on the table and I would like to see that added into it. I thank you very much and that is my perspective.

Committee Chair Chock: Thank you. You are getting it down to three (3) minutes. Next.

Ms. Arakaki: Next speaker is Kalanikumai 'Ona Ali'i Hanohano.

(Councilmember Hooser was noted as excused.)

KALANIKUMAI 'ONA ALI'I HANOHANNO: Aloha.

Committee Chair Chock: Aloha.

Mr. Hanohano: From the district of Kōloa, my given name is Kalanikumai Kamakauliuli 'Ona Ali'i Hanohano. Many know me by my chosen nom de guerre, Branch Harmony. I would like to commend local members of the Planning team for their willingness to listen to members of our community over the past year and a half incorporating considerations raised into their planning. They have been diligent in addressing the expressed concerns as far as their purview allows. Yet, the scope of the plan lacks consideration of the looming effect of water and air contamination upon the south shore community, posing massive degradation to the quality of life presently enjoyed by residents, visitors, and businesses emitted by the planned project at Maha'ulepu. A systematic approach that incorporates perspective profound impacts upon the community as a whole is needed. Piecemeal does not work. Numila Camp, once my home, remains part of the Kōloa District and is not suitable for urban development. It is better for senior and young couples in a camp situation. Broad impacts must be considered. The proposed Village at Po'ipū project poses two (2) inherent dangers: transportation overload and drainage to the Kāneiolouma Complex. Verification of public access status of Weliweli Road through the northern leg of the Pa'a Maha'ulepu Ala Hele would enable routing of traffic to the exiting tunnel improvement to the roadway and completion of another tunnel alongside leading to the highway via Haiku and alleviating congestion from Kōloa and Maluhia Roads. A comprehensive drainage plan routing drainage and storm overload away from the Kāneiolouma Complex on both sides of the roadway is

essential to moving forward with this development. Please send this Plan back for revision. *Mahalo* for your attention and service.

Committee Chair Chock: Thank you, Mr. Harmony.

Mr. Hanohano: *Aloha.*

Ms. Arakaki: Our last registered speaker is Terrie Hayes.

TERRIE HAYES: *Aloha*, Councilmembers. Terrie Hayes, for the record. Thank you for all of the time and energy that you are putting forth to actually listen to all of us because albeit there were community meetings, we feel very strongly that some of us did not get enough information and for sure did not get enough input. Through the time that has elapsed, a lot of things have come to light and we are very passionate about Po'ipū, Maha'ulepu, and the whole south shore as well as Kaua'i. I listened to one of the meetings and I think Mr. Chock, you said "Work out the vision first" or maybe even that was the Planning Director. But that seems to me to really have the vision of what we are looking for. I had the opportunity to speak to some of the Planners and I cannot help but think that we need to learn to attract a different type of visitor here, the eco-friendly, the youth that is coming up that is really attracted not necessarily just golfing and retirement. We need to have people that are actively involved in the development of our community that actually have the technology, knowledge, and desire to make this a sustainable area. I would also suggest that we put the cart before the horse. We really need to do some simple things like put in the bus stop on the bypass road in Po'ipū. I drove by this morning, there are eight (8) chairs and they are all soaking wet. I proposed in the Multi-Modal Plan, and I think we have been authorized to build these bus stops. There is likewise one by Kāneiolouma. Bless the people there, but there are also many beach chairs that sit there. So, that is what they have to wait in right now and many people are taking the bus. The bus runs much more frequently than it ever did, but there are some really basic things that I think we could do to help really see how this system is going to work and see how many people ride the bus.

There is different ways to do development. I lived in the Palm Springs area in California. The Native Americans there have a checkered board in Palm Springs which enables the native peoples to actually control every other parcel of land. I think that we are missing the *kanaka maoli* and Native Hawaiians here. I had a chance to speak with the Office of Hawaiian Affairs (OHA) representatives and a few different people tied to Hawaiian homelands, which I know many people who are listed have agricultural lands that have not been satisfied. I do not know what the procurement is to do such an experience, but I think that needs to be considered on agricultural lands. Keep Hawaiian agricultural lands in Hawaiian hands, I think is the expression. I think that would benefit all of us and be an attractant. They could grow all of the vegetables and the Hyatt could use everything that is grown there. I know Auntie (Inaudible) is working on a huge breadfruit project. There is the potential of sustainable farming that would be much more beneficial to that area. I believe those are the people we should consider. I have more to say. I will be back. *Mahalo.*

Committee Chair Chock: Thank you, Ms. Hayes. Anyone else would like to speak for the first time? Ms. Kinnaman, please.

TESSIE KINNAMAN: I was not going to say anything, but something told me, "Hurry up. Go." Tessie Kinnaman for the record. I would like to read a portion of the 2007 Charlier Circulation Plan regarding Hapa Trail. I grew up

on Kaua'i, especially Kōloa/Po'ipū and as a child I used to go on the Hapa Trail with my father and his jalopy. The Hapa Trail extended from the catholic church all the way down to the Sheraton. Just before we hit Ho'onani Road, Sheraton, there was always this guava tree. I would hang out of the jalopy and pick the guava for me and my father. So, we would just hang out there at the beach. Anyway, growing up, I got involved with the community associations and with this 2007 Charlier Circulation Plan speaking to the Hapa Trail. The Hapa Trail is of particular cultural and historical importance to the community. A procession along the length of the existing trail is a major component of the annual Plantation Day's Festival. It is recommended that this existing trail be upgraded to a lushly landscaped private multi-use path that can accommodate pedestrians, bicycles, and emergency evacuation vehicles as-needed. The project should include a great separation at the haul cane connector allowing for an almost uninterrupted pathway connecting Kōloa and Po'ipū. As a flagship project, the entire community can take pride and this should be the highest priority after the Kōloa safety improvements are done. In the 2000 General Plan vision for Kaua'i 2020, Kaua'i residents, businesses, and government care for visitors and nurture the visitor industry. We share a common understanding that the environment is the economy, our natural capital, and the basis of our economic survival and success. Together the plan for visitor industry development, which is compatible with the environment, supports the community's quality of life, and sustains the qualities which attract visitors. With the South Shore Plan, I hope everything is taken into consideration. 2020 is only five (5) years away. *Mahalo.*

Committee Chair Chock: Anyone else who wishes to testify for the first time? Who would like to testify a second time? Can I see a show of hands? I will start with Makoto. I saw his hand up first. We will go there.

Councilmember Kagawa: For me, I just want to...

Committee Chair Chock: Hold on one second.

Councilmember Kagawa: First of all thank A&B for giving me the four thousand dollars (\$4,000). I think it allowed me to lead by far, all the Councilmembers, lead the Council in giving donations to our non-profits on Kaua'i because I am not rich. My family is not rich. I would not be able to lead the Council in giving donations to our youth and non-profits on the island. So, that is what I used A&B's money for. I also lead the Council in probably yard signs and banners. It would be foolish of me to run for office while I have two (2) kids attending college and go into huge debt to try to get elected. I utilize people like A&B and I do not look at it as because they give me, I owe them. It is thank you. I will use your money and I will give it to the community. If you have problems, I think, with accepting large donations, I think it should go to the Federal Campaign Spending or State Campaign Spending Commission, because you have a gripe with the way politics are handled in general. That is my basic feeling. Thank you, Chair.

Committee Chair Chock: Okay.

Mr. Lane: Can I respond?

Committee Chair Chock: You have three (3) minutes to provide your testimony.

Mr. Lane: Okay. I do not have a personal problem.

Committee Chair Chock: Your name.

Mr. Lane: Makoto Lane. I do not have a personal problem with any of it or how the operation works. It was just for transparency sake, so the community knows exactly what is going on. I think that is fair. I want to address at this time entitlements that are already there within the south shore. How many entitlements are there already? Do we know that?

Councilmember Yukimura: I think we have a build-out analysis. My calculations are conservatively two thousand two hundred (2,200) more resort units that are not yet built out.

Mr. Lane: Two thousand two hundred (2,200) resort units? How many residential units, do you know?

Councilmember Yukimura: No, I do not.

Committee Chair Chock: We can probably get those things, but I think it is best to use your time to make your point.

Mr. Lane: Already we are looking at two thousand two hundred (2,200) units of just hotel rooms, and that is what? Five thousand (5,000) more people in Po'ipū or the south shore without adding on what new entitlements are being considered in the South Shore General Plan. We should wait until those previous entitlements are built out before adding more entitlements. This is just going to exacerbate our problems, the run-off problems that we have seen at Po'ipū Beach which I am very concerned about. I saw a pipe drain right into Po'ipū Beach. I am not sure about you folks, but I would probably consider Po'ipū Beach a major tourist draw. If that gets untreated run-off water from a whole bunch of driveways, break dust, you name it, goes into Po'ipū Beach, that visitor destination is going to be ruined. It is not going to be what it is today or what it was. Traffic. There are no new roads that are going to be built. We are doubling the number of cars on the road down there, maybe tripling, who knows, because we do not even know of the exact number of entitlements that already have been passed and we are already adding more entitlements. Traffic, more run-off, and more people. It is going to be at least twice the amount of traffic in Po'ipū, Kōloa, and Kalāheo and twice the number of people at our beaches. I do not know if you folks have been to the Sheraton or Po'ipū, it is packed. If you want Kaua'i to be like O'ahu, Waikīkī, then vote for this General Plan. If you do not want Kaua'i to end up like Maui, Waikīkī, or O'ahu, then you have to pull back on the number of entitlements and really consider preserving what makes Kaua'i special. That is the small town atmosphere. Once we lose that, it is gone. Thank you.

Committee Chair Chock: Thank you.

Ms. Cherry: I am sorry, Mr. Hooser left because I did want to say that I think it is important that the County has jurisdiction over things. America was founded on the people governing it and keeping things at that level. Also, I did talk to a relative who has been in the business twenty (20) to thirty (30) years of developing plans, like the plan consultant that sat here. He told me, "You go and talk to your County Council or your Board of Directors because they are the ones who can change things and listen to you." I wanted to address that and kind of step aside to the Po'ipū Village Gateway and the whole thing about agricultural land not necessarily what we do not want, but maybe what we do want. Part 3 of your County

Council questions, number 18, it referred to Section 4.7.1. Please consider revising this major policy statement preservation of agricultural land from agricultural use, not primarily for the purpose of maintaining open space and rural character of the area. Rather, the primary purpose of preservation of agricultural land is for agricultural use, food, energy security, freshness of produce, health, quality of life, and economic diversification. At the corner of Po'ipū and Pe'e Road is some very dedicated farmer who is growing bananas and all kinds of food. He has a little stand there and he sells them. I would love to see two (2) to ten (10) acre parcels where people could, maybe some kind of farm loans to get to actually buy them and own them and they could grow different kinds of produce. It would not be big agriculture, you would not have the pesticides, and would not have the different problems. How about fishponds? Our fish in the ocean are highly polluted and it would sure be nice to get some good fish to eat if you have the fishponds. I can imagine a wonderful pavilion-like kind of horseshoe pavilion with very small stalls that had maybe rollup doors and an open air market where "Made in Kaua'i" products could be offered every day to the tourists and residents. Those are just some ideas how we can do that. You cannot legislate the landowner. It is highest and best use. That is the real estate axiom it is built on. But you folks can do something, I would think, about suggesting that it gets urbanized rather than stay agriculture. Thank you.

Committee Chair Chock: Thank you. Question here from, Ms. Cherry, from Councilmember Kuali'i.

Councilmember Kuali'i: Thank you for your testimony. You made a really broad statement at the beginning when you were saying you were sorry that Councilmember Hooser is not here, former Senator. It was, "The County needs jurisdiction on things America was founded on." What are you talking about specifically?

Ms. Cherry: The amendment was brought up about the agricultural land. I understand from what I have heard from someone else, that it is kind of an interesting thing where the State controls the agricultural land, but the County...is this a state that is kind of unusual in that the County does get to have some jurisdiction over how the agricultural land is used?

Councilmember Kuali'i: Correct.

Ms. Cherry: Is that correct? That most states, it is just state run. I am just saying that I support the County having input because then the people can have input.

Councilmember Kuali'i: I would just say that the basic understanding I have is that the County is a subdivision of the State. We exist because of the State. If the State says they have jurisdiction and we challenge that, ultimately, the State will tell us if they have jurisdiction or not. But I think we, as a community and citizens, if we want to change and give the County more power, we should be passing State laws to do that. If the community would put all of their energy behind that as opposed to keep asking us to do something that challenges the State's jurisdiction and then possibly have us being sued and spending money. I would just say, in my simple understanding of it, the jurisdictional issue has to be, and we are citizens of the State, so we can lobby, organize, put our energies behind passing State laws that does what we think should happen.

Ms. Cherry: That is a really good point.

Councilmember Kuali'i: It is just how I see it.

Ms. Cherry: Hopefully, maybe even the people in the field of agriculture and the small people as well as all of us, could move forward with that. I do not think I could take it on.

Councilmember Kuali'i: Not alone. Thank you.

Committee Chair Chock: Mr. Rowe, followed by Mr. Hanohano.

Mr. Rowe: My name is Rupert Rowe. I just want to highlight on the little things that are taking place right there by the *heiau*. As you turn down towards Po'ipū Park, people make U-turns on the top. I had two (2) of our Councilmembers there. They saw it for their own selves. I think it is a very important thing that we paint the crosswalk across that intersection right there so that the tourists and the people pushing their baby carriages feel a little bit safer. Secondly, I want to touch on the flooding in Po'ipū Beach Park. I know it has been two (2) decades that we have not solved the problem. I think we should take a very serious look at the road in that area. The road coming down is a temporary road from 1962. The road on the other side going out should be a U-turn traffic plan for the future in this particular area. I think the County should look at what is taking place down by Nukumoi Surf Company because the time has come for us to really look at what would be part of parks on the tourist's culture, interpretative, and economic benefits for that whole area. For Kāneiolouma right now, we are moving along. We have our interpretative signs coming in. I just planted grass on the top and inside so we have a better attraction for the tourist industry. So, it will help the economic strain in that area to be more profitable towards small business. That is all I have to say.

Committee Chair Chock: Thank you. We have a question about the egress, I think.

Councilmember Yukimura: Yes. Rupert, I am not clear what you were talking about where you said there are U-turns and so forth. Where exactly are you talking about?

Mr. Rowe: Right on top of the road by the *heiau* people turn to go back towards Kōloa Town and make you a U-turn right there. There is a little island with white markers, or they are coming from east and they turn left and make the U-turn to go back to the Hyatt right on the top of that intersection.

Councilmember Yukimura: Okay. So, you are talking about Po'ipū Road and the road that goes down to the park?

Mr. Rowe: Yes.

Councilmember Yukimura: What is it?

Mr. Rowe: Ho'owili.

Councilmember Yukimura: Ho'owili. Thank you. You are saying that people come from the Hyatt on Po'ipū Road and then they just make a U-turn right on Po'ipū Road?

Mr. Rowe: No. Right down Ho'owili Road on the right hand side where you turn to go towards the Hyatt.

Councilmember Yukimura: Oh, okay.

Mr. Rowe: And people are walking over there, but if you are coming from Kōloa Town, they do the same thing. They turn down Ho'owili, spin right around that island, and head back towards Kōloa Town.

Councilmember Yukimura: What is the remedy you are suggesting?

Mr. Rowe: I think the plan for that whole area should be one (1) way in and one (1) way out.

Councilmember Yukimura: One (1) way into Po'ipū Beach Park?

Mr. Rowe: Yes, and then back out where Springy and Billy live, that road going back out. That is the official road, but it was never in operation. I do not know why. But that is where the waterline, the utilities, and everything comes down. That is an official County road. But we have never made it usable. I do not know why. Then we had the State transfer all of that land to the County towards the *heiau*. We had an Executive Order granted by Neil Abercrombie under Bill Aila to transfer all of that to the County. So, right now...

Councilmember Yukimura: To transfer what to the County?

Mr. Rowe: The parcel that was on the top between Cammie Matsumoto's house and Weliweli Tract.

Councilmember Yukimura: I see. Your other point was, I think, referring to your long-range plans to have a visitor center for Kāneiolouma?

Mr. Rowe: Yes, so we can control the amount of people coming in and out because when you have a park, it is not a park where a religious site is set up like (Inaudible) where the general public can just walk in and do their thing. You have to control what is in that area.

Councilmember Yukimura: Control access.

Mr. Rowe: And have people have a tour, not just free access.

Councilmember Yukimura: Right.

Mr. Rowe: And walking all around because all of this in the future, if the County wants to take it, it will cost you a lot of money for the maintenance. But through the non-profit group, we may be able to raise the money and hire people to maintain this area.

Councilmember Yukimura: That was the vision for a stewardship agreement, and you folks have been really holding up your end.

Mr. Rowe: I believe what the *Hui* did and the amount of people – I still have my thirty-five (35) people that have been with us from 1998.

Councilmember Yukimura: That is incredible and you folks have done a remarkable job. Thank you.

Mr. Rowe: You are welcome.

Committee Chair Chock: Thank you.

Mr. Rowe: Okay. *Aloha*.

Mr. Hanohano: *Aloha*. For the record, my name is Kalanikumai Kamakauliuli 'Ona Ali'i Hanohano. I just have a couple of comments. One on the drainage in Po'ipū. During the storm, the forty (40)...I think it was actual thirty-nine (39) or forty (40) day storm. Also, back in 1948 there was a forty-five (45) day storm, similar. From the Waiohai to Kiahuna, it was impassable after the storm because of the low spots there, not only did the Waiohai basement and parking all flood, but that low area, it was just impassable. Folks living in Weliweli Tract, they were blocked in. They could not go anywhere. It was really bad. It needs to be considered. The impact of extra cars, the impact at the roundabout, and the gas station, it is going to lock people in causing panic.

Second, on the subject of returning locals to the land. Numila. Numila Camp is where my mother had her pregnancy with me. It is very close to me. It was a McBryde worker camp and instead of development and doing another kind of urbanization for the Port Allen area, it is part of Kōloa and it should be considered for a low-income camp village style development, no fences, small, two (2) and three (3) bedrooms for seniors and for young couples starting out. It is not the type of living situation that visitors and transplants are interested in because you do not have privacy, you have kids running up and down, and have families out in their yards, with their little garden plots. That is the Kaua'i style. That is returning the culture of the people to the camps and to the land. Continuing on that as Terrie said, about a checkerboard model returning people to these communities that can demonstrate their cultural practices. At the beach at Po'ipū Park, all you see is lobster backs on towels. They do not know what they are doing there, what the place is. They think they are in Po'ipū. They are in Nukumoi. Po'ipū is the rocky little ledge beyond there. They come to the farmers markets. They say, "Oh, that is Hawaiian music. I have not heard any." Return the people to the land and get locals in *kauhale* plots with families, and with agriculture like at Black Pot. Going back and doing things at the beach so that the visitors can participate and see. They come here not just for the weather and the beach, but for the culture. So, demonstrate it. Thank you.

Committee Chair Chock: Thank you.

Mr. Hanohano: Yes?

Councilmember Yukimura: Waiohai, what does the word mean? Do you know? I am asking because...

Mr. Hanohano: I have to look it up because I know it is in the books.

Councilmember Yukimura: Okay.

Mr. Hanohano: I know "*wai*."

Councilmember Yukimura: The reason I am asking is if I remember correctly because I used to be a child at Po'ipū Beach Park. Waiohai was an area that used to have a lot of ponds, right?

Mr. Hanohano: Yes, yes.

Councilmember Yukimura: That is where the natural drainage was?

Mr. Hanohano: Yes, yes.

Councilmember Yukimura: But when the hotel was built without sensitivity to its natural function of that land, it blocked...

Mr. Hanohano: It went from a private home to expand, to expand, and to expand.

Councilmember Yukimura: Well, it was the war lands of the high rise battle too, because Waiohai was where they wanted to break through the four (4) story height limit to an eight (8) story height.

Mr. Hanohano: Yes. When I was a child, I used to drive in the car with my grandmother down to Kalapakī and I would sit there and I would watch the crane working out there. *Auwe.*

Councilmember Yukimura: Thank you.

Committee Chair Chock: Thank you.

Mr. Hanohano: *Aloha.*

Committee Chair Chock: I was hoping that we might be able to wrap this item up before lunch, but I think we have a couple more speakers. We are going to go until 12:30 p.m. and if we do not get through our testimony, we will have to come back to it after lunch. I am going to ask Ms. Hayes to come up and then we will have you come up right after.

Ms. Hayes: *Mahalo.* Terrie Hayes for the record. I just wanted to make a couple more comments. One of them is I mentioned previously about Catalina Island and the restriction of not people, but cars. I am still an advocate that there must be a number cruncher that could calculate how many highways we have and how much gas. There should be an ultimate number of cars that should be here. I mean, it should not just be ongoing. Each rental agency gets this many. There must be some sort of formula, but I think really restricting the number of cars that end up on Kaua'i is something that we need to consider. I am not exactly sure how we do it, but we could ask Catalina how they did it. It works there. In the south shore, there are no sidewalks and back to the cart before the horse. The people that walk there that come through the end of our road, which is now a dead-end road, thank heaven. People walk down from the Weliweli Track and that is where they come through, and there is really no sidewalks there. When the road is flooded, at the end of the road, there is an issue. They have to walk through it. When we had flooding, unfortunately, there was a time that they did have to pump into the ocean. As one of the public workers told me, "It was the lesser of two (2) evils" because there are many septic systems there still. So, when you have flooding, you have issues with septic. There are issues that snowball and I think we have failed

to address that. The forty (40) days of rain, Rupert actually drove me to work one time and it was up to his truck, which meant it was above... You could not see the fire hydrant down on the corner. That is how deep it gets right on that corner. It is an issue that has not been resolved. The beach park itself becomes a holding, a detention, and it is pretty horrific. We have been lucky the past few tsunami evacuations that we have had. We personally do not go to the park. We wait and go last when they have you evacuate, which we have a pretty good system that seems to be working better, I think, because of what happened previously. We go up above Kukui'ula. There is a high spot there. Now, whether or not we are far enough away was a question as we watched. You can see the water coming in actually with the three (3) waves and how it turns to brown in the ocean. But we were up high which is why I believe having a development for people away from that area, as Bridget mentioned, would be important for evacuation purposes. The access to evacuation would be easy from Kōloa Road from the bypass road. The other thing I wanted to mention was the subsequent discussions that we really need to have. I would appreciate that. It is important for us to keep agriculture where we need it and access to food sources, I think, is imperative to us on our island. I appreciate all your time and effort that you are putting into this. *Mahalo.*

Ms. Kechloian: My name is Eileen Kechloian. I just wanted to bring up one (1) thing and that is, in a lot of big cities where there are traffic problems like Seattle and places like that, they actually work with the employers and they have the bigger employers stagger when the people come in. That would help with diminishing the roads problem and traffic. I just think it is an idea to look at seeing if you can get the major employers to stagger the times people start and stop.

Councilmember Yukimura: I have a question. Living in that area, are you finding a lot of traffic problems there?

Ms. Kechloian: When I first moved in, it was not too bad. I could get across from Pe'e Road to Po'ipū Road really quickly.

Councilmember Yukimura: Walking or driving?

Ms. Kechloian: Driving. Now, there is always cars backed up there.

Councilmember Yukimura: Backed up on the road?

Ms. Kechloian: On Pe'e Road trying to cross Po'ipū Road.

Councilmember Yukimura: Okay.

Ms. Kechloian: We are getting more and more traffic that, is the bottom line.

Councilmember Yukimura: Yes.

Ms. Kechloian: Thank you.

Councilmember Yukimura: I do want to say there are plans for sidewalks all along Po'ipū Road.

Ms. Kechloian: That would be great.

Councilmember Yukimura: That is a plan in the works.

Committee Chair Chock: Thank you. Anyone else who would like to testify for a second time? Matt, you wanted to come forward for the first time? Please.

MATT BERNABE: Matt Bernabe, for the record. I just want to point out that you folks plan on developing Līhu'e with agricultural lands and when I go to Kōloa, this strip that I saw you folks do earlier is not active agriculture. They get less annual rainfall there. So, just on the watershed issue, I would rather transform those agricultural lots that get less rain and that do not re-percolate the aquifers as much as upper Līhu'e would. As far as the traffic goes, I invite all of them to spend a day in Kapa'a. These people talk like they live in the worst place. As far as big cities go, Honolulu has worst traffic than Seattle. So, what are we talking about here? Are we talking about just not wanting development because of all these petty reasons? They agree they want agriculture, but they do not want a dairy. They agree we need housing, but they do not want to put it in their yard. I just want to say, I am not trying to be against these people, but Kōloa and Po'ipū, get some business and get more houses. The last thing I want to say is that I fish all of that region. Currently, you folks are talking about the feces potential that is coming from this dairy, but right now, you guys have an active horse business that is right above that river that has feces on the sand that I witnessed. I have it on my phone right here. I can show you the horse on the sand. The Plan should have a water treatment plant. That is the real reason that those reefs are not bountiful with fish, besides the external factors of pH of the water and all those other things. But the coastal region is just in Hanalei, the number one problem is water treatment. They do not have water treatment. I think you folks should really look at this and say, "How do we make this work" because Kapa'a is overloaded and Līhu'e is congested. Hey, Safeway, fifteen (15) minutes from Papaya's in the back, minimum until you get on the road. The road issue we can come up with it. They are saying the traffic has doubled since you moved here. Well, I am going on forty-two (42). It is one hundred percent (100%) more when I grew up hitchhiking and picking up weeds in my front yard because we did not have enough cars to hitchhike. "Boy, you better pick weeds before you go." "Okay, mom." I used to stay out there and there were not enough cars. You go down my road in Kapahi, Ka'apuni is a highway.

Committee Chair Chock: Thank you, Mr. Bernabe. With that, I would like to thank everyone for your public testimony this morning. I would like to call this meeting back to order and entertain a motion to defer at this time.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Upon motion duly made by Councilmember Kualii, seconded by Councilmember Kagawa, and carried by a vote of 3:0:1:1 (*Councilmember Hooser was excused, Councilmember Kaneshiro was noted as recused*), Bill No. 2576, Draft 1, was deferred to the May 13, 2015 Committee Meeting.

Committee Chair Chock: Thank you everyone. We will be recessing for lunch. We will be back at 1:30 p.m. and taking up the last items in Planning.

There being no objections, the Committee recessed at 12:30 p.m.

The Committee was called back to order at 1:30 p.m., proceeded as follows:

Committee Chair Chock: *Aloha* and welcome back from lunch. I had a request from Councilmember Kualii just to provide a little more insight. We did have to wrap up real quickly on the tail end of the South Shore Community Plan. I am going to offer him a few minutes to make a statement.

Councilmember Kualii: I just wanted to make a brief statement with regards to one of the testimonies that was provided with regards to transparency and talking about campaign contributions almost suddenly, but still disparaging our Chair who is not here. I think information can be twisted to make it seem how it is not. I would recommend that everybody get the full picture as far as campaign spending. He gave out a figure of nine thousand dollars (\$9,000) since 2000. Since 2000, we have had eight (8) campaigns. Each campaign can cost quite a lot of money. For each of us, we all have to raise funds. So, he questioned some of the campaign contributions. Then he also mentioned contributions from labor unions. I would say labor unions represent working families. They are one of the largest democratically run organizations by members. So, members play a big role in what endorsements get made and what contributions are being made. So, those members are our citizens and they are playing an active role in the political operations of their own unions. We are all fortunate if we can secure an endorsement from a union and a small contribution from the union. All contributions have strict guidelines as far as the amount of contribution you can get per election. I would just recommend that everyone, if you are looking for the full information, to go to the State of Hawai'i website, Hawaii.Gov, and look at the Campaign Spending Commission and you can see all of our contributions. They are all legal and fair. One day when you run for office, you will see that is what you have to do. I just want say even subtle accusations are not good. We live on a small island. We all live together. Our Chair is an honorable man. We are all working in different ways. We disagree sometimes on the issues, but we are all working on what we believe is in the best interest of our community. I just wanted to say that. Thank you.

The Committee proceeded on its agenda items, as shown in the following Committee Reports, which are incorporated herein by reference:

CR-PL 2015-08: on Bill No. 2577 A BILL FOR AN ORDINANCE AMENDING ZONING CONDITION IN ORDINANCE NO. PM-31-79, AND ORDINANCE NO. PM-2009-391 RELATING TO ZONING DESIGNATION IN PO'IPU, KAUAI (*John Horwitz, Peter Baldwin, Matthew B. Guard, and George Robinson, Successor Co-Trustees of the Eric A. Knudsen Trust under Deed of Trust dated April 30, 1922, Applicants*) **(Approved.)**

CR-PL 2015-09: on Bill No. 2578 A BILL FOR AN ORDINANCE AMENDING ZONING CONDITION IN ORDINANCE NO. PM-2001-354, RELATING TO ZONING DESIGNATION IN PO'IPU, KAUAI (*John Horwitz, Peter Baldwin, Matthew B. Guard, and George Robinson, Successor Co-Trustees of the Eric A. Knudsen Trust under Deed of Trust dated April 30, 1922, Applicants*) **(Approved.)**

There being no further business, the meeting was adjourned at 2:30 p.m.

Respectfully submitted,



Allison S. Arakaki
Council Services Assistant I

APPROVED at the Committee Meeting held on May 13, 2015:



MASON K. CHOCK
Chair, Planning Committee